

1                                    AMENDMENT TO HOUSE BILL 146

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 146 by replacing  
3 everything after the enacting clause with the following:

4            "Section 1. Short title. This Act may be cited as the  
5 Intercity Development Act.

6            Section 5. Findings and purpose.

7            (a) The General Assembly finds that:

8                    (1) There is a great need for economic  
9 revitalization in many communities throughout this State.

10                   (2) Each community has valuable resources at its  
11 fingertips that can be tapped in the revitalization  
12 process.

13                   (3) With adequate support and assistance from the  
14 State and other resources, each community can participate  
15 in and shepherd its own economic renewal.

16                   (4) Successful redevelopment plans are based on  
17 policy that is responsive to the existing composition and  
18 character of the economically distressed community and  
19 that allows and compels the community to participate in  
20 the redevelopment planning process.

21                   (5) A successful redevelopment initiative creates  
22 and maintains a capable and adaptable workforce, has

1 access to capital, has a sound fiscal base, has adequate  
2 infrastructure, has well-managed natural resources, and  
3 has an attractive quality of life.

4 (b) It is the purpose of this legislation to provide a  
5 mechanism for an economically distressed community to use in  
6 its efforts to revitalize the community.

7 Section 10. Definitions. As used in this Section:

8 "Community" means a municipality, a county with respect  
9 to the unincorporated areas of a county, and any combination  
10 of municipalities and counties acting jointly.

11 "Department" means the Department of Commerce and  
12 Community Affairs.

13 "Economically distressed community" means any community  
14 that is certified by the Department as being in the highest  
15 3% of all communities in the State in its rate of  
16 unemployment, its poverty rate, and the rate of bankruptcy  
17 petitions filed.

18 Section 15. Certification; Board of Economic Advisors.

19 (a) In order to receive the assistance as provided in  
20 this Act, a community shall first, by ordinance passed by its  
21 corporate authorities, request that the Department certify  
22 that it is an economically distressed community. The  
23 community must submit a certified copy of the ordinance to  
24 the Department. After review of the ordinance, if the  
25 Department determines that the community meets the  
26 requirements for certification, the Department shall certify  
27 the community as an economically distressed community.

28 (b) A community that is certified by the Department as  
29 an economically distressed community may appoint a Board of  
30 Economic Advisors to create and implement a revitalization  
31 plan for the community. The Board shall consist of 12 members  
32 of the community, appointed by the mayor or the presiding

1 officer of the county or jointly by the presiding officers of  
2 each municipality and county that have joined to form a  
3 community for the purposes of this Act. The Board members  
4 shall be appointed from the 12 sectors vital to community  
5 redevelopment as follows:

6 (1) A member representing households and families.

7 (2) A member representing religious organizations.

8 (3) A member representing educational institutions.

9 (4) A member representing daycare centers, care  
10 centers for the handicapped, and care centers for the  
11 disadvantaged.

12 (5) A member representing community based  
13 organizations such as neighborhood improvement  
14 associations.

15 (6) A member representing federal and State  
16 employment service systems, skill training centers, and  
17 placement referrals.

18 (7) A member representing Masonic organizations,  
19 fraternities, sororities, and social clubs.

20 (8) A member representing hospitals, nursing homes,  
21 senior citizens, public health agencies, and funeral  
22 homes.

23 (9) A member representing organized sports, parks,  
24 parties, and games of chance.

25 (10) A member representing political parties,  
26 clubs, and affiliations, and election related matters  
27 concerning voter education and participation.

28 (11) A member representing the cultural aspects of  
29 the community, including cultural events, lifestyles,  
30 languages, music, visual and performing arts, and  
31 literature.

32 (12) A member representing police and fire  
33 protection agencies, prisons, weapons systems, and the  
34 military industrial complex.

1           The Board shall meet initially within 30 days of its  
2 appointment, shall select one member as chairperson at its  
3 initial meeting, and shall thereafter meet at the call of the  
4 chairperson. Members of the Board shall serve without  
5 compensation but shall be reimbursed for their reasonable and  
6 necessary expenses from funds available for that purpose.

7           (b) The Board shall create a 3-year to 5-year  
8 revitalization plan for the community. The plan shall contain  
9 distinct, measurable objectives for revitalization. The  
10 objectives shall be used to guide ongoing implementation of  
11 the plan and to measure progress during the 3-year to 5-year  
12 period. The Board shall work in a dynamic manner defining  
13 goals for the community based on the strengths and weaknesses  
14 of the individual sectors of the community as presented by  
15 each member of the Board. The Board shall meet periodically  
16 and revise the plan in light of the input from each member of  
17 the Board concerning his or her respective sector of  
18 expertise. The process shall be a community driven  
19 revitalization process, with community-specific data  
20 determining the direction and scope of the revitalization.

21           Section 20. Action by the Board.

22           (a) Organize. The Board shall first assess the needs and  
23 the resources of the community operating from the basic  
24 premise that the family unit is the primary unit of community  
25 and that the demand for goods and services from this  
26 residential sector is the main source of recovery and growth  
27 for the redevelopment of a community. The Board shall  
28 inventory community assets, including the condition of the  
29 family with respect to the role of the family as workers,  
30 consumers, and investors. The Board shall inventory the type  
31 and viability of businesses and industries currently in the  
32 community. In compiling the inventory, the Board shall rely  
33 on the input of each Board member with respect to his or her

1 expertise in a given sector of the revitalization plan.

2 (b) Revitalize. In implementing the revitalization plan,  
3 the Board shall focus on and build from existing resources in  
4 the community, growing existing businesses rather than luring  
5 business into the community from the outside. The Board shall  
6 also focus on the residents themselves rather than jobs. The  
7 Board shall promote investment in training residents in areas  
8 that will lead to employment and in turn will bring revenue  
9 into the community.

10 (c) Mobilize. The Board shall engage in the dynamic  
11 process of community self-revitalization through a continuous  
12 reassessment of the needs of the community in the  
13 revitalization process. As each goal of the 3-year to 5-year  
14 plan is achieved, the Board shall draw from the resources of  
15 its members to establish new goals and implement new  
16 strategies employing the lessons learned in the earlier  
17 stages of revitalization.

18 (d) Advise. The Board shall Act as the liaison between  
19 the community and the local, county, and State Government.  
20 The Board shall make use of the resources of these  
21 governmental entities and shall provide counsel to each of  
22 these bodies with respect to economic development.

23 The Board shall also act as a liaison between private  
24 business entities located in the community and the community  
25 itself. The Board shall offer advice and assistance to these  
26 entities when requested and provide incentives and support,  
27 both economic and otherwise, to facilitate expansion and  
28 further investment in the community by the businesses.

29 The Board shall annually submit a report to the General  
30 Assembly and the Governor summarizing the accomplishments of  
31 the community concerning revitalization and the goals of the  
32 community for future revitalization.

33 Section 25. Funding sources.

1 (a) The moneys appropriated into the Intercity  
2 Development Fund, which is hereby created as a special fund  
3 in the State Treasury, shall be allocated as follows:

4 (1) 50% shall be paid to the Department to be used to  
5 make grants as follows:

6 (A) 25% shall be allocated for use within the City  
7 of Chicago;

8 (B) 25% shall be allocated for use within Cook  
9 County, but outside of the City of Chicago; and

10 (C) 50% shall be allocated to communities that are  
11 located outside of Cook County and are certified as  
12 economically distressed communities and that have created  
13 Boards of Economic Advisors under this Act for the  
14 operational expenses of the Boards.

15 The procedures for grant applications shall be  
16 established by the Department by rule.

17 (2) The remaining 50% of the moneys shall be allocated  
18 as follows:

19 (A) 25% shall be paid, subject to appropriation, to  
20 the general fund of the City of Chicago;

21 (B) 25% shall be paid, subject to appropriation, to  
22 the general fund of Cook County; and

23 (C) 50% shall be paid, subject to appropriation, to  
24 the general funds of communities that are located outside  
25 of Cook County and are certified as economically  
26 distressed communities and that have created Boards of  
27 Economic Advisors under this Act for the operational  
28 expenses of the Boards.

29 (b) The Board, as a vital part of its function, shall  
30 seek funding sources to enhance economic development. The  
31 Board shall seek funding from the local, State, and federal  
32 government as well as from private funding sources, whether  
33 in the form of grants, loans, or otherwise. The Department  
34 shall advise the Boards of Economic Advisors created under

1 this Act of all available sources of funding for economic  
2 development that it is aware of and shall assist the Boards  
3 in securing this funding.

4 (c) To the extent that there is a gap in funding for  
5 economic development, the Board shall recommend possible  
6 solutions to be undertaken by the State in addressing this  
7 issue to fill the funding gap.

8 Section 70. The Department of Revenue Law of the Civil  
9 Administrative Code of Illinois is amended by changing  
10 Section 2505-305 as follows:

11 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

12 Sec. 2505-305. Investigators.

13 (a) The Department has the power to appoint  
14 investigators to conduct all investigations, searches,  
15 seizures, arrests, and other duties imposed under the  
16 provisions of any law administered by the Department or the  
17 Illinois Gaming Board. Except as provided in subsection (c),  
18 these investigators have and may exercise all the powers of  
19 peace officers solely for the purpose of enforcing taxing  
20 measures administered by the Department or the Illinois  
21 Gaming Board.

22 (b) The Director must authorize to each investigator  
23 employed under this Section and to any other employee of the  
24 Department exercising the powers of a peace officer a  
25 distinct badge that, on its face, (i) clearly states that the  
26 badge is authorized by the Department and (ii) contains a  
27 unique identifying number. No other badge shall be authorized  
28 by the Department.

29 (c) Investigators appointed under this Section who are  
30 assigned to the Illinois Gaming Board have and may exercise  
31 all the rights and powers of peace officers. ~~7-provided-that~~  
32 ~~these-powers-shall--be--limited--to--offenses--or--violations~~

1 ~~occurring--or-committed-on-a-riverboat-or-deck, as defined in~~  
2 ~~subsections (d) and (f) of Section 4 of the Riverboat~~  
3 ~~Gambling Act.~~

4 (Source: P.A. 91-239, eff. 1-1-00; 91-883, eff. 1-1-01;  
5 92-493, eff. 1-1-02.)

6 Section 75. The Illinois Horse Racing Act of 1975 is  
7 amended by changing Sections 1.2, 3.11, 9, 20, 25, 26, 27,  
8 28.1, 30, 31, 32.1, 36, and 42 and adding Sections 3.24,  
9 3.25, 3.26, 3.27, 34.2, 56, and 57 as follows:

10 (230 ILCS 5/1.2)

11 Sec. 1.2. Legislative intent. This Act is intended to  
12 benefit the people of the State of Illinois by encouraging  
13 the breeding and production of race horses, assisting  
14 economic development, and promoting Illinois tourism. The  
15 General Assembly finds and declares it to be the public  
16 policy of the State of Illinois to:

17 (a) support and enhance Illinois' horse racing industry,  
18 which is a significant component within the agribusiness  
19 industry;

20 (b) ensure that Illinois' horse racing industry remains  
21 competitive with neighboring states;

22 (c) stimulate growth within Illinois' horse racing  
23 industry, thereby encouraging new investment and development  
24 to produce additional tax revenues and to create additional  
25 jobs;

26 (d) promote the further growth of tourism;

27 (e) encourage the breeding of thoroughbred and  
28 standardbred horses in this State; and

29 (f) ensure that public confidence and trust in the  
30 credibility and integrity of racing operations and the  
31 regulatory process is maintained.

32 (Source: P.A. 91-40, eff. 6-25-99.)

1 (230 ILCS 5/3.11) (from Ch. 8, par. 37-3.11)

2 Sec. 3.11. "Organization licensee" means any person,  
3 not-for-profit corporation, municipality, or legal authority  
4 with bonding power created to promote tourism, receiving an  
5 organization license from the Board to conduct a race meeting  
6 or meetings.

7 (Source: P.A. 79-1185.)

8 (230 ILCS 5/3.24 new)

9 Sec. 3.24. "Adjusted gross receipts" has the same meaning  
10 as in Section 4 of the Riverboat Gambling Act.

11 (230 ILCS 5/3.25 new)

12 Sec. 3.25. "Electronic gaming" has the same meaning as in  
13 Section 4 of the Riverboat Gambling Act.

14 (230 ILCS 5/3.26 new)

15 Sec. 3.26. "Electronic gaming license" has the same  
16 meaning as in Section 4 of the Riverboat Gambling Act.

17 (230 ILCS 5/3.27 new)

18 Sec. 3.27. "Electronic gaming facility" means that  
19 portion of an organization licensee's race track facility at  
20 which electronic gaming is conducted.

21 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

22 Sec. 9. The Board shall have all powers necessary and  
23 proper to fully and effectively execute the provisions of  
24 this Act, including, but not limited to, the following:

25 (a) The Board is vested with jurisdiction and  
26 supervision over all race meetings in this State, over all  
27 licensees doing business in this State, over all occupation  
28 licensees, and over all persons on the facilities of any  
29 licensee. Such jurisdiction shall include the power to issue

1 licenses to the Illinois Department of Agriculture  
2 authorizing the pari-mutuel system of wagering on harness and  
3 Quarter Horse races held (1) at the Illinois State Fair in  
4 Sangamon County, and (2) at the DuQuoin State Fair in Perry  
5 County. The jurisdiction of the Board shall also include the  
6 power to issue licenses to county fairs which are eligible to  
7 receive funds pursuant to the Agricultural Fair Act, as now  
8 or hereafter amended, or their agents, authorizing the  
9 pari-mutuel system of wagering on horse races conducted at  
10 the county fairs receiving such licenses. Such licenses  
11 shall be governed by subsection (n) of this Section.

12 Upon application, the Board shall issue a license to the  
13 Illinois Department of Agriculture to conduct harness and  
14 Quarter Horse races at the Illinois State Fair and at the  
15 DuQuoin State Fairgrounds during the scheduled dates of each  
16 fair. The Board shall not require and the Department of  
17 Agriculture shall be exempt from the requirements of Sections  
18 15.3, 18 and 19, paragraphs (a)(2), (b), (c), (d), (e),  
19 (e-5), (e-10), (f), (g), and (h) of Section 20, and Sections  
20 21, 24 and 25. The Board and the Department of Agriculture  
21 may extend any or all of these exemptions to any contractor  
22 or agent engaged by the Department of Agriculture to conduct  
23 its race meetings when the Board determines that this would  
24 best serve the public interest and the interest of horse  
25 racing.

26 Notwithstanding any provision of law to the contrary, it  
27 shall be lawful for any licensee to operate pari-mutuel  
28 wagering or contract with the Department of Agriculture to  
29 operate pari-mutuel wagering at the DuQuoin State Fairgrounds  
30 or for the Department to enter into contracts with a  
31 licensee, employ its owners, employees or agents and employ  
32 such other occupation licensees as the Department deems  
33 necessary in connection with race meetings and wagerings.

34 (b) The Board is vested with the full power to

1 promulgate reasonable rules and regulations for the purpose  
2 of administering the provisions of this Act and to prescribe  
3 reasonable rules, regulations and conditions under which all  
4 horse race meetings or wagering in the State shall be  
5 conducted. Such reasonable rules and regulations are to  
6 provide for the prevention of practices detrimental to the  
7 public interest and to promote the best interests of horse  
8 racing and to impose penalties for violations thereof.

9 (c) The Board, and any person or persons to whom it  
10 delegates this power, is vested with the power to enter the  
11 facilities and other places of business of any licensee to  
12 determine whether there has been compliance with the  
13 provisions of this Act and its rules and regulations.

14 (d) The Board, and any person or persons to whom it  
15 delegates this power, is vested with the authority to  
16 investigate alleged violations of the provisions of this Act,  
17 its reasonable rules and regulations, orders and final  
18 decisions; the Board shall take appropriate disciplinary  
19 action against any licensee or occupation licensee for  
20 violation thereof or institute appropriate legal action for  
21 the enforcement thereof.

22 (e) The Board, and any person or persons to whom it  
23 delegates this power, may eject or exclude from any race  
24 meeting or the facilities of any licensee, or any part  
25 thereof, any occupation licensee or any other individual  
26 whose conduct or reputation is such that his presence on  
27 those facilities may, in the opinion of the Board, call into  
28 question the honesty and integrity of horse racing or  
29 wagering or interfere with the orderly conduct of horse  
30 racing or wagering; provided, however, that no person shall  
31 be excluded or ejected from the facilities of any licensee  
32 solely on the grounds of race, color, creed, national origin,  
33 ancestry, or sex. The power to eject or exclude an  
34 occupation licensee or other individual may be exercised for

1 just cause by the licensee or the Board, subject to  
2 subsequent hearing by the Board as to the propriety of said  
3 exclusion.

4 (f) The Board is vested with the power to acquire,  
5 establish, maintain and operate (or provide by contract to  
6 maintain and operate) testing laboratories and related  
7 facilities, for the purpose of conducting saliva, blood,  
8 urine and other tests on the horses run or to be run in any  
9 horse race meeting, including races run at county fairs, and  
10 to purchase all equipment and supplies deemed necessary or  
11 desirable in connection with any such testing laboratories  
12 and related facilities and all such tests.

13 (g) The Board may require that the records, including  
14 financial or other statements of any licensee or any person  
15 affiliated with the licensee who is involved directly or  
16 indirectly in the activities of any licensee as regulated  
17 under this Act to the extent that those financial or other  
18 statements relate to such activities be kept in such manner  
19 as prescribed by the Board, and that Board employees shall  
20 have access to those records during reasonable business  
21 hours. Within 120 days of the end of its fiscal year, each  
22 licensee shall transmit to the Board an audit of the  
23 financial transactions and condition of the licensee's total  
24 operations. All audits shall be conducted by certified  
25 public accountants. Each certified public accountant must be  
26 registered in the State of Illinois under the Illinois Public  
27 Accounting Act. The compensation for each certified public  
28 accountant shall be paid directly by the licensee to the  
29 certified public accountant. A licensee shall also submit  
30 any other financial or related information the Board deems  
31 necessary to effectively administer this Act and all rules,  
32 regulations, and final decisions promulgated under this Act.

33 (h) The Board shall name and appoint in the manner  
34 provided by the rules and regulations of the Board: an

1 Executive Director; a State director of mutuels; State  
2 veterinarians and representatives to take saliva, blood,  
3 urine and other tests on horses; licensing personnel; revenue  
4 inspectors; and State seasonal employees (excluding admission  
5 ticket sellers and mutuel clerks). All of those named and  
6 appointed as provided in this subsection shall serve during  
7 the pleasure of the Board; their compensation shall be  
8 determined by the Board and be paid in the same manner as  
9 other employees of the Board under this Act.

10 (i) The Board shall require that there shall be 3  
11 stewards at each horse race meeting, at least 2 of whom shall  
12 be named and appointed by the Board. Stewards appointed or  
13 approved by the Board, while performing duties required by  
14 this Act or by the Board, shall be entitled to the same  
15 rights and immunities as granted to Board members and Board  
16 employees in Section 10 of this Act.

17 (j) The Board may discharge any Board employee who fails  
18 or refuses for any reason to comply with the rules and  
19 regulations of the Board, or who, in the opinion of the  
20 Board, is guilty of fraud, dishonesty or who is proven to be  
21 incompetent. The Board shall have no right or power to  
22 determine who shall be officers, directors or employees of  
23 any licensee, or their salaries except the Board may, by  
24 rule, require that all or any officials or employees in  
25 charge of or whose duties relate to the actual running of  
26 races be approved by the Board.

27 (k) The Board is vested with the power to appoint  
28 delegates to execute any of the powers granted to it under  
29 this Section for the purpose of administering this Act and  
30 any rules or regulations promulgated in accordance with this  
31 Act.

32 (l) The Board is vested with the power to impose civil  
33 penalties of up to \$5,000 against an individual and up to  
34 \$10,000 against a licensee for each violation of any

1 provision of this Act, any rules adopted by the Board, any  
2 order of the Board or any other action which, in the Board's  
3 discretion, is a detriment or impediment to horse racing or  
4 wagering.

5 (m) The Board is vested with the power to prescribe a  
6 form to be used by licensees as an application for employment  
7 for employees of each licensee.

8 (n) The Board shall have the power to issue a license to  
9 any county fair, or its agent, authorizing the conduct of the  
10 pari-mutuel system of wagering. The Board is vested with the  
11 full power to promulgate reasonable rules, regulations and  
12 conditions under which all horse race meetings licensed  
13 pursuant to this subsection shall be held and conducted,  
14 including rules, regulations and conditions for the conduct  
15 of the pari-mutuel system of wagering. The rules,  
16 regulations and conditions shall provide for the prevention  
17 of practices detrimental to the public interest and for the  
18 best interests of horse racing, and shall prescribe penalties  
19 for violations thereof. Any authority granted the Board  
20 under this Act shall extend to its jurisdiction and  
21 supervision over county fairs, or their agents, licensed  
22 pursuant to this subsection. However, the Board may waive  
23 any provision of this Act or its rules or regulations which  
24 would otherwise apply to such county fairs or their agents.

25 (o) Whenever the Board is authorized or required by law  
26 to consider some aspect of criminal history record  
27 information for the purpose of carrying out its statutory  
28 powers and responsibilities, then, upon request and payment  
29 of fees in conformance with the requirements of Section  
30 2605-400 of the Department of State Police Law (20 ILCS  
31 2605/2605-400), the Department of State Police is authorized  
32 to furnish, pursuant to positive identification, such  
33 information contained in State files as is necessary to  
34 fulfill the request.

1 (p) To insure the convenience, comfort, and wagering  
2 accessibility of race track patrons, to provide for the  
3 maximization of State revenue, and to generate increases in  
4 purse allotments to the horsemen, the Board shall require any  
5 licensee to staff the pari-mutuel department with adequate  
6 personnel.

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

9 Sec. 20. (a) Any person desiring to conduct a horse race  
10 meeting may apply to the Board for an organization license.  
11 The application shall be made on a form prescribed and  
12 furnished by the Board. The application shall specify:

13 (1) the dates on which it intends to conduct the  
14 horse race meeting, which dates shall be provided under  
15 Section 21;

16 (2) the hours of each racing day between which it  
17 intends to hold or conduct horse racing at such meeting;

18 (3) the location where it proposes to conduct the  
19 meeting; and

20 (4) any other information the Board may reasonably  
21 require.

22 (b) A separate application for an organization license  
23 shall be filed for each horse race meeting which such person  
24 proposes to hold. Any such application, if made by an  
25 individual, or by any individual as trustee, shall be signed  
26 and verified under oath by such individual. If made by  
27 individuals or a partnership, it shall be signed and verified  
28 under oath by at least 2 of such individuals or members of  
29 such partnership as the case may be. If made by an  
30 association, corporation, corporate trustee or any other  
31 entity, it shall be signed by the president and attested by  
32 the secretary or assistant secretary under the seal of such  
33 association, trust or corporation if it has a seal, and shall

1 also be verified under oath by one of the signing officers.

2 (c) The application shall specify the name of the  
3 persons, association, trust, or corporation making such  
4 application and the post office address of the applicant; if  
5 the applicant is a trustee, the names and addresses of the  
6 beneficiaries; if a corporation, the names and post office  
7 addresses of all officers, stockholders and directors; or if  
8 such stockholders hold stock as a nominee or fiduciary, the  
9 names and post office addresses of these persons,  
10 partnerships, corporations, or trusts who are the beneficial  
11 owners thereof or who are beneficially interested therein;  
12 and if a partnership, the names and post office addresses of  
13 all partners, general or limited; if the applicant is a  
14 corporation, the name of the state of its incorporation shall  
15 be specified.

16 (d) The applicant shall execute and file with the Board  
17 a good faith affirmative action plan to recruit, train, and  
18 upgrade minorities in all classifications within the  
19 association.

20 (e) With such application there shall be delivered to  
21 the Board a certified check or bank draft payable to the  
22 order of the Board for an amount equal to \$1,000. All  
23 applications for the issuance of an organization license  
24 shall be filed with the Board before August 1 of the year  
25 prior to the year for which application is made and shall be  
26 acted upon by the Board at a meeting to be held on such date  
27 as shall be fixed by the Board during the last 15 days of  
28 September of such prior year. At such meeting, the Board  
29 shall announce the award of the racing meets, live racing  
30 schedule, and designation of host track to the applicants and  
31 its approval or disapproval of each application. No  
32 announcement shall be considered binding until a formal order  
33 is executed by the Board, which shall be executed no later  
34 than October 15 of that prior year. Absent the agreement of

1 the affected organization licensees, the Board shall not  
2 grant overlapping race meetings to 2 or more tracks that are  
3 within 100 miles of each other to conduct the thoroughbred  
4 racing.

5 (e-2) In awarding racing dates for calendar year 2004  
6 and thereafter, the Board shall award the same total number  
7 of racing days as it awarded in calendar year 2003 plus an  
8 amount as provided in subsection (e-3). In awarding racing  
9 dates under this subsection (e-2), the Board shall have the  
10 discretion to allocate those racing dates among organization  
11 licensees.

12 (e-3) Upon request, the Board shall award at least 50  
13 standardbred racing dates to the organization licensee that  
14 conducts racing at Fairmount Race Track. Any racing dates  
15 awarded under this subsection (e-3) to an organization  
16 licensee that conducts racing at Fairmount Race Track that  
17 are in excess of the number awarded to that organization  
18 licensee in 2003 shall be in addition to those racing dates  
19 awarded under subsection (e-2).

20 (e-5) In reviewing an application for the purpose of  
21 granting an organization license consistent with the best  
22 interests of the public and the sport of horse racing, the  
23 Board shall consider:

24 (1) the character, reputation, experience, and  
25 financial integrity of the applicant and of any other  
26 separate person that either:

27 (i) controls the applicant, directly or  
28 indirectly, or

29 (ii) is controlled, directly or indirectly, by  
30 that applicant or by a person who controls, directly  
31 or indirectly, that applicant;

32 (2) the applicant's facilities or proposed  
33 facilities for conducting horse racing;

34 (3) the total revenue without regard to Section

1 32.1 to be derived by the State and horsemen from the  
2 applicant's conducting a race meeting;

3 (4) the applicant's good faith affirmative action  
4 plan to recruit, train, and upgrade minorities in all  
5 employment classifications;

6 (5) the applicant's financial ability to purchase  
7 and maintain adequate liability and casualty insurance;

8 (6) the applicant's proposed and prior year's  
9 promotional and marketing activities and expenditures of  
10 the applicant associated with those activities;

11 (7) an agreement, if any, among organization  
12 licensees as provided in subsection (b) of Section 21 of  
13 this Act; and

14 (8) the extent to which the applicant exceeds or  
15 meets other standards for the issuance of an organization  
16 license that the Board shall adopt by rule.

17 In granting organization licenses and allocating dates  
18 for horse race meetings, the Board shall have discretion to  
19 determine an overall schedule, including required simulcasts  
20 of Illinois races by host tracks that will, in its judgment,  
21 be conducive to the best interests of the public and the  
22 sport of horse racing.

23 (e-10) The Illinois Administrative Procedure Act shall  
24 apply to administrative procedures of the Board under this  
25 Act for the granting of an organization license, except that  
26 (1) notwithstanding the provisions of subsection (b) of  
27 Section 10-40 of the Illinois Administrative Procedure Act  
28 regarding cross-examination, the Board may prescribe rules  
29 limiting the right of an applicant or participant in any  
30 proceeding to award an organization license to conduct  
31 cross-examination of witnesses at that proceeding where that  
32 cross-examination would unduly obstruct the timely award of  
33 an organization license under subsection (e) of Section 20 of  
34 this Act; (2) the provisions of Section 10-45 of the Illinois

1 Administrative Procedure Act regarding proposals for decision  
2 are excluded under this Act; (3) notwithstanding the  
3 provisions of subsection (a) of Section 10-60 of the Illinois  
4 Administrative Procedure Act regarding ex parte  
5 communications, the Board may prescribe rules allowing ex  
6 parte communications with applicants or participants in a  
7 proceeding to award an organization license where conducting  
8 those communications would be in the best interest of racing,  
9 provided all those communications are made part of the record  
10 of that proceeding pursuant to subsection (c) of Section  
11 10-60 of the Illinois Administrative Procedure Act; (4) the  
12 provisions of Section 14a of this Act and the rules of the  
13 Board promulgated under that Section shall apply instead of  
14 the provisions of Article 10 of the Illinois Administrative  
15 Procedure Act regarding administrative law judges; and (5)  
16 the provisions of subsection (d) of Section 10-65 of the  
17 Illinois Administrative Procedure Act that prevent summary  
18 suspension of a license pending revocation or other action  
19 shall not apply.

20 (f) The Board may allot racing dates to an organization  
21 licensee for more than one calendar year but for no more than  
22 3 successive calendar years in advance, provided that the  
23 Board shall review such allotment for more than one calendar  
24 year prior to each year for which such allotment has been  
25 made. The granting of an organization license to a person  
26 constitutes a privilege to conduct a horse race meeting under  
27 the provisions of this Act, and no person granted an  
28 organization license shall be deemed to have a vested  
29 interest, property right, or future expectation to receive an  
30 organization license in any subsequent year as a result of  
31 the granting of an organization license. Organization  
32 licenses shall be subject to revocation if the organization  
33 licensee has violated any provision of this Act or the rules  
34 and regulations promulgated under this Act or has been

1 convicted of a crime or has failed to disclose or has stated  
2 falsely any information called for in the application for an  
3 organization license. Any organization license revocation  
4 proceeding shall be in accordance with Section 16 regarding  
5 suspension and revocation of occupation licenses.

6 (f-5) If, (i) an applicant does not file an acceptance  
7 of the racing dates awarded by the Board as required under  
8 part (1) of subsection (h) of this Section 20, or (ii) an  
9 organization licensee has its license suspended or revoked  
10 under this Act, the Board, upon conducting an emergency  
11 hearing as provided for in this Act, may reaward on an  
12 emergency basis pursuant to rules established by the Board,  
13 racing dates not accepted or the racing dates associated with  
14 any suspension or revocation period to one or more  
15 organization licensees, new applicants, or any combination  
16 thereof, upon terms and conditions that the Board determines  
17 are in the best interest of racing, provided, the  
18 organization licensees or new applicants receiving the  
19 awarded racing dates file an acceptance of those reawarded  
20 racing dates as required under paragraph (1) of subsection  
21 (h) of this Section 20 and comply with the other provisions  
22 of this Act. The Illinois Administrative Procedures Act  
23 shall not apply to the administrative procedures of the Board  
24 in conducting the emergency hearing and the reallocation of  
25 racing dates on an emergency basis.

26 (g) (Blank).

27 (h) The Board shall send the applicant a copy of its  
28 formally executed order by certified mail addressed to the  
29 applicant at the address stated in his application, which  
30 notice shall be mailed within 5 days of the date the formal  
31 order is executed.

32 Each applicant notified shall, within 10 days after  
33 receipt of the final executed order of the Board awarding  
34 racing dates:

1 (1) file with the Board an acceptance of such award  
2 in the form prescribed by the Board;

3 (2) pay to the Board an additional amount equal to  
4 \$110 for each racing date awarded; and

5 (3) file with the Board the bonds required in  
6 Sections 21 and 25 at least 20 days prior to the first  
7 day of each race meeting.

8 Upon compliance with the provisions of paragraphs (1), (2),  
9 and (3) of this subsection (h), the applicant shall be issued  
10 an organization license.

11 If any applicant fails to comply with this Section or  
12 fails to pay the organization license fees herein provided,  
13 no organization license shall be issued to such applicant.

14 (Source: P.A. 91-40, eff. 6-25-99.)

15 (230 ILCS 5/25) (from Ch. 8, par. 37-25)

16 Sec. 25. Admissions tax; records and books; bond;  
17 penalty.

18 (a) There shall be paid to the Board at such time or  
19 times as it shall prescribe, the sum of fifteen cents (15¢)  
20 for each person entering the grounds or enclosure of each  
21 organization licensee and inter-track wagering licensee upon  
22 a ticket of admission except as provided in subsection (g) of  
23 Section 27 of this Act. If tickets are issued for more than  
24 one day then the sum of fifteen cents (15¢) shall be paid for  
25 each person using such ticket on each day that the same shall  
26 be used. Provided, however, that no charge shall be made on  
27 tickets of admission issued to and in the name of directors,  
28 officers, agents or employees of the organization licensee,  
29 or inter-track wagering licensee, or to owners, trainers,  
30 jockeys, drivers and their employees or to any person or  
31 persons entering the grounds or enclosure for the transaction  
32 of business in connection with such race meeting. The  
33 organization licensee or inter-track wagering licensee may,

1 if it desires, collect such amount from each ticket holder in  
2 addition to the amount or amounts charged for such ticket of  
3 admission.

4 (b) Accurate records and books shall at all times be kept  
5 and maintained by the organization licensees and inter-track  
6 wagering licensees showing the admission tickets issued and  
7 used on each racing day and the attendance thereat of each  
8 horse racing meeting. The Board or its duly authorized  
9 representative or representatives shall at all reasonable  
10 times have access to the admission records of any  
11 organization licensee and inter-track wagering licensee for  
12 the purpose of examining and checking the same and  
13 ascertaining whether or not the proper amount has been or is  
14 being paid the State of Illinois as herein provided. The  
15 Board shall also require, before issuing any license, that  
16 the licensee shall execute and deliver to it a bond, payable  
17 to the State of Illinois, in such sum as it shall determine,  
18 not, however, in excess of fifty thousand dollars (\$50,000),  
19 with a surety or sureties to be approved by it, conditioned  
20 for the payment of all sums due and payable or collected by  
21 it under this Section upon admission fees received for any  
22 particular racing meetings. The Board may also from time to  
23 time require sworn statements of the number or numbers of  
24 such admissions and may prescribe blanks upon which such  
25 reports shall be made. Any organization licensee or  
26 inter-track wagering licensee failing or refusing to pay the  
27 amount found to be due as herein provided, shall be deemed  
28 guilty of a business offense and upon conviction shall be  
29 punished by a fine of not more than five thousand dollars  
30 (\$5,000) in addition to the amount due from such organization  
31 licensee or inter-track wagering licensee as herein provided.  
32 All fines paid into court by an organization licensee or  
33 inter-track wagering licensee found guilty of violating this  
34 Section shall be transmitted and paid over by the clerk of

1 the court to the Board.

2 (c) In addition to the admission tax imposed under  
3 subsection (a), a tax of \$1 is hereby imposed for each person  
4 who enters the grounds or enclosure of each organization  
5 licensee. The tax is imposed upon the organization licensee.

6 (1) The admission tax shall be paid for each  
7 admission.

8 (2) An organization licensee may issue tax-free  
9 passes to actual and necessary officials and employees of  
10 the licensee and other persons associated with race  
11 meeting operations.

12 (3) The number and issuance of tax-free passes is  
13 subject to the rules of the Board, and a list of all  
14 persons to whom the tax-free passes are issued shall be  
15 filed with the Board.

16 (4) The organization licensee shall pay the entire  
17 admission tax to the Board. Such payments shall be made  
18 daily. Accompanying each payment shall be a return on  
19 forms provided by the Board which shall include other  
20 information regarding admission as the Board may require.  
21 Failure to submit either the payment or the return within  
22 the specified time may result in suspension or revocation  
23 of the organization licensee's license.

24 (5) The Board shall administer and collect the  
25 admission tax imposed by this subsection, to the extent  
26 practicable, in a manner consistent with the provisions  
27 of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 6, 6a, 6b,  
28 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and  
29 Section 3-7 of the Uniform Penalty and Interest Act. All  
30 moneys collected by the Board shall be deposited into the  
31 State Gaming Fund.

32 (Source: P.A. 88-495; 89-16, eff. 5-30-95.)

33 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

1           Sec. 26. Wagering.

2           (a) Any licensee may conduct and supervise the  
3 pari-mutuel system of wagering, as defined in Section 3.12 of  
4 this Act, on horse races conducted by an Illinois  
5 organization licensee or conducted at a racetrack located in  
6 another state or country and televised in Illinois in  
7 accordance with subsection (g) of Section 26 of this Act.  
8 Subject to the prior consent of the Board, licensees may  
9 supplement any pari-mutuel pool in order to guarantee a  
10 minimum distribution. Such pari-mutuel method of wagering  
11 shall not, under any circumstances if conducted under the  
12 provisions of this Act, be held or construed to be unlawful,  
13 other statutes of this State to the contrary notwithstanding.  
14 Subject to rules for advance wagering promulgated by the  
15 Board, any licensee may accept wagers in advance of the day  
16 of the race wagered upon occurs.

17           (b) Except as otherwise provided in Section 56, no other  
18 method of betting, pool making, wagering or gambling shall be  
19 used or permitted by the licensee. Each licensee may retain,  
20 subject to the payment of all applicable taxes and purses, an  
21 amount not to exceed 17% of all money wagered under  
22 subsection (a) of this Section, except as may otherwise be  
23 permitted under this Act.

24           (b-5) An individual may place a wager under the  
25 pari-mutuel system from any licensed location authorized  
26 under this Act provided that wager is electronically recorded  
27 in the manner described in Section 3.12 of this Act. Any  
28 wager made electronically by an individual while physically  
29 on the premises of a licensee shall be deemed to have been  
30 made at the premises of that licensee.

31           (c) Until January 1, 2000, the sum held by any licensee  
32 for payment of outstanding pari-mutuel tickets, if unclaimed  
33 prior to December 31 of the next year, shall be retained by  
34 the licensee for payment of such tickets until that date.

1 Within 10 days thereafter, the balance of such sum remaining  
2 unclaimed, less any uncashed supplements contributed by such  
3 licensee for the purpose of guaranteeing minimum  
4 distributions of any pari-mutuel pool, shall be paid to the  
5 Illinois Veterans' Rehabilitation Fund of the State treasury,  
6 except as provided in subsection (g) of Section 27 of this  
7 Act.

8 (c-5) Beginning January 1, 2000, the sum held by any  
9 licensee for payment of outstanding pari-mutuel tickets, if  
10 unclaimed prior to December 31 of the next year, shall be  
11 retained by the licensee for payment of such tickets until  
12 that date. Within 10 days thereafter, the balance of such  
13 sum remaining unclaimed, less any uncashed supplements  
14 contributed by such licensee for the purpose of guaranteeing  
15 minimum distributions of any pari-mutuel pool, shall be  
16 evenly distributed to the purse account of the organization  
17 licensee and the organization licensee.

18 (d) A pari-mutuel ticket shall be honored until December  
19 31 of the next calendar year, and the licensee shall pay the  
20 same and may charge the amount thereof against unpaid money  
21 similarly accumulated on account of pari-mutuel tickets not  
22 presented for payment.

23 (e) No licensee shall knowingly permit any minor, other  
24 than an employee of such licensee or an owner, trainer,  
25 jockey, driver, or employee thereof, to be admitted during a  
26 racing program unless accompanied by a parent or guardian, or  
27 any minor to be a patron of the pari-mutuel system of  
28 wagering conducted or supervised by it. The admission of any  
29 unaccompanied minor, other than an employee of the licensee  
30 or an owner, trainer, jockey, driver, or employee thereof at  
31 a race track is a Class C misdemeanor.

32 (f) Notwithstanding the other provisions of this Act, an  
33 organization licensee may contract with an entity in another  
34 state or country to permit any legal wagering entity in

1 another state or country to accept wagers solely within such  
2 other state or country on races conducted by the organization  
3 licensee in this State. Beginning January 1, 2000, these  
4 wagers shall not be subject to State taxation. Until January  
5 1, 2000, when the out-of-State entity conducts a pari-mutuel  
6 pool separate from the organization licensee, a privilege tax  
7 equal to 7 1/2% of all monies received by the organization  
8 licensee from entities in other states or countries pursuant  
9 to such contracts is imposed on the organization licensee,  
10 and such privilege tax shall be remitted to the Department of  
11 Revenue within 48 hours of receipt of the moneys from the  
12 simulcast. When the out-of-State entity conducts a combined  
13 pari-mutuel pool with the organization licensee, the tax  
14 shall be 10% of all monies received by the organization  
15 licensee with 25% of the receipts from this 10% tax to be  
16 distributed to the county in which the race was conducted.

17 An organization licensee may permit one or more of its  
18 races to be utilized for pari-mutuel wagering at one or more  
19 locations in other states and may transmit audio and visual  
20 signals of races the organization licensee conducts to one or  
21 more locations outside the State or country and may also  
22 permit pari-mutuel pools in other states or countries to be  
23 combined with its gross or net wagering pools or with  
24 wagering pools established by other states.

25 (g) A host track may accept interstate simulcast wagers  
26 on horse races conducted in other states or countries and  
27 shall control the number of signals and types of breeds of  
28 racing in its simulcast program, subject to the disapproval  
29 of the Board. The Board may prohibit a simulcast program  
30 only if it finds that the simulcast program is clearly  
31 adverse to the integrity of racing. The host track simulcast  
32 program shall include the signal of live racing of all  
33 organization licensees. All non-host licensees shall carry  
34 the host track simulcast program and accept wagers on all

1 races included as part of the simulcast program upon which  
2 wagering is permitted. The costs and expenses of the host  
3 track and non-host licensees associated with interstate  
4 simulcast wagering, other than the interstate commission fee,  
5 shall be borne by the host track and all non-host licensees  
6 incurring these costs. The interstate commission fee shall  
7 not exceed 5% of Illinois handle on the interstate simulcast  
8 race or races without prior approval of the Board. The Board  
9 shall promulgate rules under which it may permit interstate  
10 commission fees in excess of 5%. The interstate commission  
11 fee and other fees charged by the sending racetrack,  
12 including, but not limited to, satellite decoder fees, shall  
13 be uniformly applied to the host track and all non-host  
14 licensees.

15 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an  
16 intertrack wagering licensee other than the host track  
17 may supplement the host track simulcast program with  
18 additional simulcast races or race programs, provided  
19 that between January 1 and the third Friday in February  
20 of any year, inclusive, if no live thoroughbred racing is  
21 occurring in Illinois during this period, only  
22 thoroughbred races may be used for supplemental  
23 interstate simulcast purposes. The Board shall withhold  
24 approval for a supplemental interstate simulcast only if  
25 it finds that the simulcast is clearly adverse to the  
26 integrity of racing. A supplemental interstate simulcast  
27 may be transmitted from an intertrack wagering licensee  
28 to its affiliated non-host licensees. The interstate  
29 commission fee for a supplemental interstate simulcast  
30 shall be paid by the non-host licensee and its affiliated  
31 non-host licensees receiving the simulcast.

32 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an  
33 intertrack wagering licensee other than the host track  
34 may receive supplemental interstate simulcasts only with

1 the consent of the host track, except when the Board  
2 finds that the simulcast is clearly adverse to the  
3 integrity of racing. Consent granted under this  
4 paragraph (2) to any intertrack wagering licensee shall  
5 be deemed consent to all non-host licensees. The  
6 interstate commission fee for the supplemental interstate  
7 simulcast shall be paid by all participating non-host  
8 licensees.

9 (3) Each licensee conducting interstate simulcast  
10 wagering may retain, subject to the payment of all  
11 applicable taxes and the purses, an amount not to exceed  
12 17% of all money wagered. If any licensee conducts the  
13 pari-mutuel system wagering on races conducted at  
14 racetracks in another state or country, each such race or  
15 race program shall be considered a separate racing day  
16 for the purpose of determining the daily handle and  
17 computing the privilege tax of that daily handle as  
18 provided in subsection (a) of Section 27. Until January  
19 1, 2000, from the sums permitted to be retained pursuant  
20 to this subsection, each intertrack wagering location  
21 licensee shall pay 1% of the pari-mutuel handle wagered  
22 on simulcast wagering to the Horse Racing Tax Allocation  
23 Fund, subject to the provisions of subparagraph (B) of  
24 paragraph (11) of subsection (h) of Section 26 of this  
25 Act.

26 (4) A licensee who receives an interstate simulcast  
27 may combine its gross or net pools with pools at the  
28 sending racetracks pursuant to rules established by the  
29 Board. All licensees combining their gross pools at a  
30 sending racetrack shall adopt the take-out percentages of  
31 the sending racetrack. A licensee may also establish a  
32 separate pool and takeout structure for wagering purposes  
33 on races conducted at race tracks outside of the State of  
34 Illinois. The licensee may permit pari-mutuel wagers

1 placed in other states or countries to be combined with  
2 its gross or net wagering pools or other wagering pools.

3 (5) After the payment of the interstate commission  
4 fee (except for the interstate commission fee on a  
5 supplemental interstate simulcast, which shall be paid by  
6 the host track and by each non-host licensee through the  
7 host-track) and all applicable State and local taxes,  
8 except as provided in subsection (g) of Section 27 of  
9 this Act, the remainder of moneys retained from simulcast  
10 wagering pursuant to this subsection (g), and Section  
11 26.2 shall be divided as follows:

12 (A) For interstate simulcast wagers made at a  
13 host track, 50% to the host track and 50% to purses  
14 at the host track.

15 (B) For wagers placed on interstate simulcast  
16 races, supplemental simulcasts as defined in  
17 subparagraphs (1) and (2), and separately pooled  
18 races conducted outside of the State of Illinois  
19 made at a non-host licensee, 25% to the host track,  
20 25% to the non-host licensee, and 50% to the purses  
21 at the host track.

22 (6) Notwithstanding any provision in this Act to  
23 the contrary, non-host licensees who derive their  
24 licenses from a track located in a county with a  
25 population in excess of 230,000 and that borders the  
26 Mississippi River may receive supplemental interstate  
27 simulcast races at all times subject to Board approval,  
28 which shall be withheld only upon a finding that a  
29 supplemental interstate simulcast is clearly adverse to  
30 the integrity of racing.

31 (7) Notwithstanding any provision of this Act to  
32 the contrary, after payment of all applicable State and  
33 local taxes and interstate commission fees, non-host  
34 licensees who derive their licenses from a track located

1 in a county with a population in excess of 230,000 and  
2 that borders the Mississippi River shall retain 50% of  
3 the retention from interstate simulcast wagers and shall  
4 pay 50% to purses at the track from which the non-host  
5 licensee derives its license as follows:

6 (A) Between January 1 and the third Friday in  
7 February, inclusive, if no live thoroughbred racing  
8 is occurring in Illinois during this period, when  
9 the interstate simulcast is a standardbred race, the  
10 purse share to its standardbred purse account;

11 (B) Between January 1 and the third Friday in  
12 February, inclusive, if no live thoroughbred racing  
13 is occurring in Illinois during this period, and the  
14 interstate simulcast is a thoroughbred race, the  
15 purse share to its interstate simulcast purse pool  
16 to be distributed under paragraph (10) of this  
17 subsection (g);

18 (C) Between January 1 and the third Friday in  
19 February, inclusive, if live thoroughbred racing is  
20 occurring in Illinois, between 6:30 a.m. and 6:30  
21 p.m. the purse share from wagers made during this  
22 time period to its thoroughbred purse account and  
23 between 6:30 p.m. and 6:30 a.m. the purse share from  
24 wagers made during this time period to its  
25 standardbred purse accounts;

26 (D) Between the third Saturday in February and  
27 December 31, when the interstate simulcast occurs  
28 between the hours of 6:30 a.m. and 6:30 p.m., the  
29 purse share to its thoroughbred purse account;

30 (E) Between the third Saturday in February and  
31 December 31, when the interstate simulcast occurs  
32 between the hours of 6:30 p.m. and 6:30 a.m., the  
33 purse share to its standardbred purse account.

34 (7.1) Notwithstanding any other provision of this

1 Act to the contrary, if no standardbred racing is  
2 conducted at a racetrack located in Madison County during  
3 any calendar year beginning on or after January 1, 2002,  
4 all moneys derived by that racetrack from simulcast  
5 wagering and inter-track wagering that (1) are to be used  
6 for purses and (2) are generated between the hours of  
7 6:30 p.m. and 6:30 a.m. during that calendar year shall  
8 be paid as follows:

9 (A) If the licensee that conducts horse racing  
10 at that racetrack requests from the Board at least  
11 as many racing dates as were conducted in calendar  
12 year 2000, 80% shall be paid to its thoroughbred  
13 purse account; and

14 (B) Twenty percent shall be deposited into the  
15 Illinois Colt Stakes Purse Distribution Fund and  
16 shall be paid to purses for standardbred races for  
17 Illinois conceived and foaled horses conducted at  
18 any county fairgrounds. The moneys deposited into  
19 the Fund pursuant to this subparagraph (B) shall be  
20 deposited within 2 weeks after the day they were  
21 generated, shall be in addition to and not in lieu  
22 of any other moneys paid to standardbred purses  
23 under this Act, and shall not be commingled with  
24 other moneys paid into that Fund. The moneys  
25 deposited pursuant to this subparagraph (B) shall be  
26 allocated as provided by the Department of  
27 Agriculture, with the advice and assistance of the  
28 Illinois Standardbred Breeders Fund Advisory Board.

29 (7.2) Notwithstanding any other provision of this  
30 Act to the contrary, if no thoroughbred racing is  
31 conducted at a racetrack located in Madison County during  
32 any calendar year beginning on or after January 1, 2002,  
33 all moneys derived by that racetrack from simulcast  
34 wagering and inter-track wagering that (1) are to be used

1 for purses and (2) are generated between the hours of  
2 6:30 a.m. and 6:30 p.m. during that calendar year shall  
3 be deposited as follows:

4 (A) If the licensee that conducts horse racing  
5 at that racetrack requests from the Board at least  
6 as many racing dates as were conducted in calendar  
7 year 2000, 80% shall be deposited into its  
8 standardbred purse account; and

9 (B) Twenty percent shall be deposited into the  
10 Illinois Colt Stakes Purse Distribution Fund.  
11 Moneys deposited into the Illinois Colt Stakes Purse  
12 Distribution Fund pursuant to this subparagraph (B)  
13 shall be paid to Illinois conceived and foaled  
14 thoroughbred breeders' programs and to thoroughbred  
15 purses for races conducted at any county fairgrounds  
16 for Illinois conceived and foaled horses at the  
17 discretion of the Department of Agriculture, with  
18 the advice and assistance of the Illinois  
19 Thoroughbred Breeders Fund Advisory Board. The  
20 moneys deposited into the Illinois Colt Stakes Purse  
21 Distribution Fund pursuant to this subparagraph (B)  
22 shall be deposited within 2 weeks after the day they  
23 were generated, shall be in addition to and not in  
24 lieu of any other moneys paid to thoroughbred purses  
25 under this Act, and shall not be commingled with  
26 other moneys deposited into that Fund.

27 (7.3) If no live standardbred racing is conducted  
28 at a racetrack located in Madison County in calendar year  
29 2000 or 2001, an organization licensee who is licensed to  
30 conduct horse racing at that racetrack shall, before  
31 January 1, 2002, pay all moneys derived from simulcast  
32 wagering and inter-track wagering in calendar years 2000  
33 and 2001 and paid into the licensee's standardbred purse  
34 account as follows:

1 (A) Eighty percent to that licensee's  
2 thoroughbred purse account to be used for  
3 thoroughbred purses; and

4 (B) Twenty percent to the Illinois Colt Stakes  
5 Purse Distribution Fund.

6 Failure to make the payment to the Illinois Colt  
7 Stakes Purse Distribution Fund before January 1, 2002  
8 shall result in the immediate revocation of the  
9 licensee's organization license, inter-track wagering  
10 license, and inter-track wagering location license.

11 Moneys paid into the Illinois Colt Stakes Purse  
12 Distribution Fund pursuant to this paragraph (7.3) shall  
13 be paid to purses for standardbred races for Illinois  
14 conceived and foaled horses conducted at any county  
15 fairgrounds. Moneys paid into the Illinois Colt Stakes  
16 Purse Distribution Fund pursuant to this paragraph (7.3)  
17 shall be used as determined by the Department of  
18 Agriculture, with the advice and assistance of the  
19 Illinois Standardbred Breeders Fund Advisory Board, shall  
20 be in addition to and not in lieu of any other moneys  
21 paid to standardbred purses under this Act, and shall not  
22 be commingled with any other moneys paid into that Fund.

23 (7.4) If live standardbred racing is conducted at a  
24 racetrack located in Madison County at any time in  
25 calendar year 2001 before the payment required under  
26 paragraph (7.3) has been made, the organization licensee  
27 who is licensed to conduct racing at that racetrack shall  
28 pay all moneys derived by that racetrack from simulcast  
29 wagering and inter-track wagering during calendar years  
30 2000 and 2001 that (1) are to be used for purses and (2)  
31 are generated between the hours of 6:30 p.m. and 6:30  
32 a.m. during 2000 or 2001 to the standardbred purse  
33 account at that racetrack to be used for standardbred  
34 purses.

1           (8) Notwithstanding any provision in this Act to  
2 the contrary, an organization licensee from a track  
3 located in a county with a population in excess of  
4 230,000 and that borders the Mississippi River and its  
5 affiliated non-host licensees shall not be entitled to  
6 share in any retention generated on racing, inter-track  
7 wagering, or simulcast wagering at any other Illinois  
8 wagering facility.

9           (8.1) Notwithstanding any provisions in this Act to  
10 the contrary, if 2 organization licensees are conducting  
11 standardbred race meetings concurrently between the hours  
12 of 6:30 p.m. and 6:30 a.m., after payment of all  
13 applicable State and local taxes and interstate  
14 commission fees, the remainder of the amount retained  
15 from simulcast wagering otherwise attributable to the  
16 host track and to host track purses shall be split daily  
17 between the 2 organization licensees and the purses at  
18 the tracks of the 2 organization licensees, respectively,  
19 based on each organization licensee's share of the total  
20 live handle for that day, provided that this provision  
21 shall not apply to any non-host licensee that derives its  
22 license from a track located in a county with a  
23 population in excess of 230,000 and that borders the  
24 Mississippi River.

25           (9) (Blank).

26           (10) (Blank).

27           (11) (Blank).

28           (12) The Board shall have authority to compel all  
29 host tracks to receive the simulcast of any or all races  
30 conducted at the Springfield or DuQuoin State fairgrounds  
31 and include all such races as part of their simulcast  
32 programs.

33           (13) Notwithstanding any other provision of this  
34 Act, in the event that the total Illinois pari-mutuel

1 handle on Illinois horse races at all wagering facilities  
2 in any calendar year is less than 75% of the total  
3 Illinois pari-mutuel handle on Illinois horse races at  
4 all such wagering facilities for calendar year 1994, then  
5 each wagering facility that has an annual total Illinois  
6 pari-mutuel handle on Illinois horse races that is less  
7 than 75% of the total Illinois pari-mutuel handle on  
8 Illinois horse races at such wagering facility for  
9 calendar year 1994, shall be permitted to receive, from  
10 any amount otherwise payable to the purse account at the  
11 race track with which the wagering facility is affiliated  
12 in the succeeding calendar year, an amount equal to 2% of  
13 the differential in total Illinois pari-mutuel handle on  
14 Illinois horse races at the wagering facility between  
15 that calendar year in question and 1994 provided,  
16 however, that a wagering facility shall not be entitled  
17 to any such payment until the Board certifies in writing  
18 to the wagering facility the amount to which the wagering  
19 facility is entitled and a schedule for payment of the  
20 amount to the wagering facility, based on: (i) the racing  
21 dates awarded to the race track affiliated with the  
22 wagering facility during the succeeding year; (ii) the  
23 sums available or anticipated to be available in the  
24 purse account of the race track affiliated with the  
25 wagering facility for purses during the succeeding year;  
26 and (iii) the need to ensure reasonable purse levels  
27 during the payment period. The Board's certification  
28 shall be provided no later than January 31 of the  
29 succeeding year. In the event a wagering facility  
30 entitled to a payment under this paragraph (13) is  
31 affiliated with a race track that maintains purse  
32 accounts for both standardbred and thoroughbred racing,  
33 the amount to be paid to the wagering facility shall be  
34 divided between each purse account pro rata, based on the

1 amount of Illinois handle on Illinois standardbred and  
2 thoroughbred racing respectively at the wagering facility  
3 during the previous calendar year. Annually, the General  
4 Assembly shall appropriate sufficient funds from the  
5 General Revenue Fund to the Department of Agriculture for  
6 payment into the thoroughbred and standardbred horse  
7 racing purse accounts at Illinois pari-mutuel tracks.  
8 The amount paid to each purse account shall be the amount  
9 certified by the Illinois Racing Board in January to be  
10 transferred from each account to each eligible racing  
11 facility in accordance with the provisions of this  
12 Section. An organization licensee shall no longer be able  
13 to receive payments under this paragraph (13) beginning  
14 on the January 1 first occurring after the licensee  
15 begins conducting electronic gaming pursuant to an  
16 electronic gaming license issued under Section 7.4 of the  
17 Riverboat Gambling Act. For the calendar year in which an  
18 organization licensee that is eligible to receive a  
19 payment under this paragraph (13) begins conducting  
20 electronic gaming pursuant to an electronic gaming  
21 license, the amount of that payment shall be reduced by a  
22 percentage equal to the percentage of the year remaining  
23 after the organization licensee begins conducting  
24 electronic gaming pursuant to its electronic gaming  
25 license. Beginning on January 1, 2005, the provisions of  
26 this paragraph (13) shall be of no force and effect.

27 (h) The Board may approve and license the conduct of  
28 inter-track wagering and simulcast wagering by inter-track  
29 wagering licensees and inter-track wagering location  
30 licensees subject to the following terms and conditions:

- 31 (1) Any person licensed to conduct a race meeting
- 32 (i) at a track where 60 or more days of racing were
- 33 conducted during the immediately preceding calendar year
- 34 or where over the 5 immediately preceding calendar years

1 an average of 30 or more days of racing were conducted  
2 annually may be issued an inter-track wagering license;  
3 (ii) at a track located in a county that is bounded by  
4 the Mississippi River, which has a population of less  
5 than 150,000 according to the 1990 decennial census, and  
6 an average of at least 60 days of racing per year between  
7 1985 and 1993 may be issued an inter-track wagering  
8 license; or (iii) at a track located in Madison County  
9 that conducted at least 100 days of live racing during  
10 the immediately preceding calendar year may be issued an  
11 inter-track wagering license, unless a lesser schedule of  
12 live racing is the result of (A) weather, unsafe track  
13 conditions, or other acts of God; (B) an agreement  
14 between the organization licensee and the associations  
15 representing the largest number of owners, trainers,  
16 jockeys, or standardbred drivers who race horses at that  
17 organization licensee's racing meeting; or (C) a finding  
18 by the Board of extraordinary circumstances and that it  
19 was in the best interest of the public and the sport to  
20 conduct fewer than 100 days of live racing. Any such  
21 person having operating control of the racing facility  
22 may also receive up to 6 inter-track wagering location  
23 licenses. In no event shall more than 6 inter-track  
24 wagering locations be established for each eligible race  
25 track, except that an eligible race track located in a  
26 county that has a population of more than 230,000 and  
27 that is bounded by the Mississippi River may establish up  
28 to 7 inter-track wagering locations. An application for  
29 said license shall be filed with the Board prior to such  
30 dates as may be fixed by the Board. With an application  
31 for an inter-track wagering location license there shall  
32 be delivered to the Board a certified check or bank draft  
33 payable to the order of the Board for an amount equal to  
34 \$500. The application shall be on forms prescribed and

1 furnished by the Board. The application shall comply  
2 with all other rules, regulations and conditions imposed  
3 by the Board in connection therewith.

4 (2) The Board shall examine the applications with  
5 respect to their conformity with this Act and the rules  
6 and regulations imposed by the Board. If found to be in  
7 compliance with the Act and rules and regulations of the  
8 Board, the Board may then issue a license to conduct  
9 inter-track wagering and simulcast wagering to such  
10 applicant. All such applications shall be acted upon by  
11 the Board at a meeting to be held on such date as may be  
12 fixed by the Board.

13 (3) In granting licenses to conduct inter-track  
14 wagering and simulcast wagering, the Board shall give due  
15 consideration to the best interests of the public, of  
16 horse racing, and of maximizing revenue to the State.

17 (4) Prior to the issuance of a license to conduct  
18 inter-track wagering and simulcast wagering, the  
19 applicant shall file with the Board a bond payable to the  
20 State of Illinois in the sum of \$50,000, executed by the  
21 applicant and a surety company or companies authorized to  
22 do business in this State, and conditioned upon (i) the  
23 payment by the licensee of all taxes due under Section 27  
24 or 27.1 and any other monies due and payable under this  
25 Act, and (ii) distribution by the licensee, upon  
26 presentation of the winning ticket or tickets, of all  
27 sums payable to the patrons of pari-mutuel pools.

28 (5) Each license to conduct inter-track wagering  
29 and simulcast wagering shall specify the person to whom  
30 it is issued, the dates on which such wagering is  
31 permitted, and the track or location where the wagering  
32 is to be conducted.

33 (6) All wagering under such license is subject to  
34 this Act and to the rules and regulations from time to

1 time prescribed by the Board, and every such license  
2 issued by the Board shall contain a recital to that  
3 effect.

4 (7) An inter-track wagering licensee or inter-track  
5 wagering location licensee may accept wagers at the track  
6 or location where it is licensed, or as otherwise  
7 provided under this Act.

8 (8) Inter-track wagering or simulcast wagering  
9 shall not be conducted at any track less than 5 miles  
10 from a track at which a racing meeting is in progress.

11 (8.1) Inter-track wagering location licensees who  
12 derive their licenses from a particular organization  
13 licensee shall conduct inter-track wagering and simulcast  
14 wagering only at locations which are either within 90  
15 miles of that race track where the particular  
16 organization licensee is licensed to conduct racing, or  
17 within 135 miles of that race track where the particular  
18 organization licensee is licensed to conduct racing in  
19 the case of race tracks in counties of less than 400,000  
20 that were operating on or before June 1, 1986. However,  
21 inter-track wagering and simulcast wagering shall not be  
22 conducted by those licensees at any location within 5  
23 miles of any race track at which a horse race meeting has  
24 been licensed in the current year, unless the person  
25 having operating control of such race track has given its  
26 written consent to such inter-track wagering location  
27 licensees, which consent must be filed with the Board at  
28 or prior to the time application is made.

29 (8.2) Inter-track wagering or simulcast wagering  
30 shall not be conducted by an inter-track wagering  
31 location licensee at any location within 500 feet of an  
32 existing church or existing school, nor within 500 feet  
33 of the residences of more than 50 registered voters  
34 without receiving written permission from a majority of

1 the registered voters at such residences. Such written  
2 permission statements shall be filed with the Board. The  
3 distance of 500 feet shall be measured to the nearest  
4 part of any building used for worship services, education  
5 programs, residential purposes, or conducting inter-track  
6 wagering by an inter-track wagering location licensee,  
7 and not to property boundaries. However, inter-track  
8 wagering or simulcast wagering may be conducted at a site  
9 within 500 feet of a church, school or residences of 50  
10 or more registered voters if such church, school or  
11 residences have been erected or established, or such  
12 voters have been registered, after the Board issues the  
13 original inter-track wagering location license at the  
14 site in question. Inter-track wagering location licensees  
15 may conduct inter-track wagering and simulcast wagering  
16 only in areas that are zoned for commercial or  
17 manufacturing purposes or in areas for which a special  
18 use has been approved by the local zoning authority.  
19 However, no license to conduct inter-track wagering and  
20 simulcast wagering shall be granted by the Board with  
21 respect to any inter-track wagering location within the  
22 jurisdiction of any local zoning authority which has, by  
23 ordinance or by resolution, prohibited the establishment  
24 of an inter-track wagering location within its  
25 jurisdiction. However, inter-track wagering and  
26 simulcast wagering may be conducted at a site if such  
27 ordinance or resolution is enacted after the Board  
28 licenses the original inter-track wagering location  
29 licensee for the site in question.

30 (9) (Blank).

31 (10) An inter-track wagering licensee or an  
32 inter-track wagering location licensee may retain,  
33 subject to the payment of the privilege taxes and the  
34 purses, an amount not to exceed 17% of all money wagered.

1 Each program of racing conducted by each inter-track  
2 wagering licensee or inter-track wagering location  
3 licensee shall be considered a separate racing day for  
4 the purpose of determining the daily handle and computing  
5 the privilege tax or pari-mutuel tax on such daily handle  
6 as provided in Section 27.

7 (10.1) Except as provided in subsection (g) of  
8 Section 27 of this Act, inter-track wagering location  
9 licensees shall pay 1% of the pari-mutuel handle at each  
10 location to the municipality in which such location is  
11 situated and 1% of the pari-mutuel handle at each  
12 location to the county in which such location is  
13 situated. In the event that an inter-track wagering  
14 location licensee is situated in an unincorporated area  
15 of a county, such licensee shall pay 2% of the  
16 pari-mutuel handle from such location to such county.

17 (10.2) Notwithstanding any other provision of this  
18 Act, with respect to intertrack wagering at a race track  
19 located in a county that has a population of more than  
20 230,000 and that is bounded by the Mississippi River  
21 ("the first race track"), or at a facility operated by an  
22 inter-track wagering licensee or inter-track wagering  
23 location licensee that derives its license from the  
24 organization licensee that operates the first race track,  
25 on races conducted at the first race track or on races  
26 conducted at another Illinois race track and  
27 simultaneously televised to the first race track or to a  
28 facility operated by an inter-track wagering licensee or  
29 inter-track wagering location licensee that derives its  
30 license from the organization licensee that operates the  
31 first race track, those moneys shall be allocated as  
32 follows:

33 (A) That portion of all moneys wagered on  
34 standardbred racing that is required under this Act

1 to be paid to purses shall be paid to purses for  
2 standardbred races.

3 (B) That portion of all moneys wagered on  
4 thoroughbred racing that is required under this Act  
5 to be paid to purses shall be paid to purses for  
6 thoroughbred races.

7 (11) (A) After payment of the privilege or  
8 pari-mutuel tax, any other applicable taxes, and the  
9 costs and expenses in connection with the gathering,  
10 transmission, and dissemination of all data necessary to  
11 the conduct of inter-track wagering, the remainder of the  
12 monies retained under either Section 26 or Section 26.2  
13 of this Act by the inter-track wagering licensee on  
14 inter-track wagering shall be allocated with 50% to be  
15 split between the 2 participating licensees and 50% to  
16 purses, except that an intertrack wagering licensee that  
17 derives its license from a track located in a county with  
18 a population in excess of 230,000 and that borders the  
19 Mississippi River shall not divide any remaining  
20 retention with the Illinois organization licensee that  
21 provides the race or races, and an intertrack wagering  
22 licensee that accepts wagers on races conducted by an  
23 organization licensee that conducts a race meet in a  
24 county with a population in excess of 230,000 and that  
25 borders the Mississippi River shall not divide any  
26 remaining retention with that organization licensee.

27 (B) From the sums permitted to be retained pursuant  
28 to this Act each inter-track wagering location licensee  
29 shall pay (i) the privilege or pari-mutuel tax to the  
30 State; (ii) 4.75% of the pari-mutuel handle on intertrack  
31 wagering at such location on races as purses, except that  
32 an intertrack wagering location licensee that derives its  
33 license from a track located in a county with a  
34 population in excess of 230,000 and that borders the

1 Mississippi River shall retain all purse moneys for its  
2 own purse account consistent with distribution set forth  
3 in this subsection (h), and intertrack wagering location  
4 licensees that accept wagers on races conducted by an  
5 organization licensee located in a county with a  
6 population in excess of 230,000 and that borders the  
7 Mississippi River shall distribute all purse moneys to  
8 purses at the operating host track; (iii) until January  
9 1, 2000, except as provided in subsection (g) of Section  
10 27 of this Act, 1% of the pari-mutuel handle wagered on  
11 inter-track wagering and simulcast wagering at each  
12 inter-track wagering location licensee facility to the  
13 Horse Racing Tax Allocation Fund, provided that, to the  
14 extent the total amount collected and distributed to the  
15 Horse Racing Tax Allocation Fund under this subsection  
16 (h) during any calendar year exceeds the amount collected  
17 and distributed to the Horse Racing Tax Allocation Fund  
18 during calendar year 1994, that excess amount shall be  
19 redistributed (I) to all inter-track wagering location  
20 licensees, based on each licensee's pro-rata share of the  
21 total handle from inter-track wagering and simulcast  
22 wagering for all inter-track wagering location licensees  
23 during the calendar year in which this provision is  
24 applicable; then (II) the amounts redistributed to each  
25 inter-track wagering location licensee as described in  
26 subpart (I) shall be further redistributed as provided in  
27 subparagraph (B) of paragraph (5) of subsection (g) of  
28 this Section 26 provided first, that the shares of those  
29 amounts, which are to be redistributed to the host track  
30 or to purses at the host track under subparagraph (B) of  
31 paragraph (5) of subsection (g) of this Section 26 shall  
32 be redistributed based on each host track's pro rata  
33 share of the total inter-track wagering and simulcast  
34 wagering handle at all host tracks during the calendar

1 year in question, and second, that any amounts  
2 redistributed as described in part (I) to an inter-track  
3 wagering location licensee that accepts wagers on races  
4 conducted by an organization licensee that conducts a  
5 race meet in a county with a population in excess of  
6 230,000 and that borders the Mississippi River shall be  
7 further redistributed as provided in subparagraphs (D)  
8 and (E) of paragraph (7) of subsection (g) of this  
9 Section 26, with the portion of that further  
10 redistribution allocated to purses at that organization  
11 licensee to be divided between standardbred purses and  
12 thoroughbred purses based on the amounts otherwise  
13 allocated to purses at that organization licensee during  
14 the calendar year in question; and (iv) 8% of the  
15 pari-mutuel handle on inter-track wagering wagered at  
16 such location to satisfy all costs and expenses of  
17 conducting its wagering. The remainder of the monies  
18 retained by the inter-track wagering location licensee  
19 shall be allocated 40% to the location licensee and 60%  
20 to the organization licensee which provides the Illinois  
21 races to the location, except that an intertrack wagering  
22 location licensee that derives its license from a track  
23 located in a county with a population in excess of  
24 230,000 and that borders the Mississippi River shall not  
25 divide any remaining retention with the organization  
26 licensee that provides the race or races and an  
27 intertrack wagering location licensee that accepts wagers  
28 on races conducted by an organization licensee that  
29 conducts a race meet in a county with a population in  
30 excess of 230,000 and that borders the Mississippi River  
31 shall not divide any remaining retention with the  
32 organization licensee. Notwithstanding the provisions of  
33 clauses (ii) and (iv) of this paragraph, in the case of  
34 the additional inter-track wagering location licenses

1 authorized under paragraph (1) of this subsection (h) by  
2 this amendatory Act of 1991, those licensees shall pay  
3 the following amounts as purses: during the first 12  
4 months the licensee is in operation, 5.25% of the  
5 pari-mutuel handle wagered at the location on races;  
6 during the second 12 months, 5.25%; during the third 12  
7 months, 5.75%; during the fourth 12 months, 6.25%; and  
8 during the fifth 12 months and thereafter, 6.75%. The  
9 following amounts shall be retained by the licensee to  
10 satisfy all costs and expenses of conducting its  
11 wagering: during the first 12 months the licensee is in  
12 operation, 8.25% of the pari-mutuel handle wagered at the  
13 location; during the second 12 months, 8.25%; during the  
14 third 12 months, 7.75%; during the fourth 12 months,  
15 7.25%; and during the fifth 12 months and thereafter,  
16 6.75%. For additional intertrack wagering location  
17 licensees authorized under this amendatory Act of 1995,  
18 purses for the first 12 months the licensee is in  
19 operation shall be 5.75% of the pari-mutuel wagered at  
20 the location, purses for the second 12 months the  
21 licensee is in operation shall be 6.25%, and purses  
22 thereafter shall be 6.75%. For additional intertrack  
23 location licensees authorized under this amendatory Act  
24 of 1995, the licensee shall be allowed to retain to  
25 satisfy all costs and expenses: 7.75% of the pari-mutuel  
26 handle wagered at the location during its first 12 months  
27 of operation, 7.25% during its second 12 months of  
28 operation, and 6.75% thereafter.

29 (C) There is hereby created the Horse Racing Tax  
30 Allocation Fund which shall remain in existence until  
31 December 31, 1999. Moneys remaining in the Fund after  
32 December 31, 1999 shall be paid into the General Revenue  
33 Fund. Until January 1, 2000, all monies paid into the  
34 Horse Racing Tax Allocation Fund pursuant to this

1 paragraph (11) by inter-track wagering location licensees  
2 located in park districts of 500,000 population or less,  
3 or in a municipality that is not included within any park  
4 district but is included within a conservation district  
5 and is the county seat of a county that (i) is contiguous  
6 to the state of Indiana and (ii) has a 1990 population of  
7 88,257 according to the United States Bureau of the  
8 Census, and operating on May 1, 1994 shall be allocated  
9 by appropriation as follows:

10 Two-sevenths to the Department of Agriculture.  
11 Fifty percent of this two-sevenths shall be used to  
12 promote the Illinois horse racing and breeding  
13 industry, and shall be distributed by the Department  
14 of Agriculture upon the advice of a 9-member  
15 committee appointed by the Governor consisting of  
16 the following members: the Director of Agriculture,  
17 who shall serve as chairman; 2 representatives of  
18 organization licensees conducting thoroughbred race  
19 meetings in this State, recommended by those  
20 licensees; 2 representatives of organization  
21 licensees conducting standardbred race meetings in  
22 this State, recommended by those licensees; a  
23 representative of the Illinois Thoroughbred Breeders  
24 and Owners Foundation, recommended by that  
25 Foundation; a representative of the Illinois  
26 Standardbred Owners and Breeders Association,  
27 recommended by that Association; a representative of  
28 the Horsemen's Benevolent and Protective Association  
29 or any successor organization thereto established in  
30 Illinois comprised of the largest number of owners  
31 and trainers, recommended by that Association or  
32 that successor organization; and a representative of  
33 the Illinois Harness Horsemen's Association,  
34 recommended by that Association. Committee members

1 shall serve for terms of 2 years, commencing January  
2 1 of each even-numbered year. If a representative  
3 of any of the above-named entities has not been  
4 recommended by January 1 of any even-numbered year,  
5 the Governor shall appoint a committee member to  
6 fill that position. Committee members shall receive  
7 no compensation for their services as members but  
8 shall be reimbursed for all actual and necessary  
9 expenses and disbursements incurred in the  
10 performance of their official duties. The remaining  
11 50% of this two-sevenths shall be distributed to  
12 county fairs for premiums and rehabilitation as set  
13 forth in the Agricultural Fair Act;

14 Four-sevenths to park districts or  
15 municipalities that do not have a park district of  
16 500,000 population or less for museum purposes (if  
17 an inter-track wagering location licensee is located  
18 in such a park district) or to conservation  
19 districts for museum purposes (if an inter-track  
20 wagering location licensee is located in a  
21 municipality that is not included within any park  
22 district but is included within a conservation  
23 district and is the county seat of a county that (i)  
24 is contiguous to the state of Indiana and (ii) has a  
25 1990 population of 88,257 according to the United  
26 States Bureau of the Census, except that if the  
27 conservation district does not maintain a museum,  
28 the monies shall be allocated equally between the  
29 county and the municipality in which the inter-track  
30 wagering location licensee is located for general  
31 purposes) or to a municipal recreation board for  
32 park purposes (if an inter-track wagering location  
33 licensee is located in a municipality that is not  
34 included within any park district and park

1 maintenance is the function of the municipal  
2 recreation board and the municipality has a 1990  
3 population of 9,302 according to the United States  
4 Bureau of the Census); provided that the monies are  
5 distributed to each park district or conservation  
6 district or municipality that does not have a park  
7 district in an amount equal to four-sevenths of the  
8 amount collected by each inter-track wagering  
9 location licensee within the park district or  
10 conservation district or municipality for the Fund.  
11 Monies that were paid into the Horse Racing Tax  
12 Allocation Fund before the effective date of this  
13 amendatory Act of 1991 by an inter-track wagering  
14 location licensee located in a municipality that is  
15 not included within any park district but is  
16 included within a conservation district as provided  
17 in this paragraph shall, as soon as practicable  
18 after the effective date of this amendatory Act of  
19 1991, be allocated and paid to that conservation  
20 district as provided in this paragraph. Any park  
21 district or municipality not maintaining a museum  
22 may deposit the monies in the corporate fund of the  
23 park district or municipality where the inter-track  
24 wagering location is located, to be used for general  
25 purposes; and

26 One-seventh to the Agricultural Premium Fund to  
27 be used for distribution to agricultural home  
28 economics extension councils in accordance with "An  
29 Act in relation to additional support and finances  
30 for the Agricultural and Home Economic Extension  
31 Councils in the several counties of this State and  
32 making an appropriation therefor", approved July 24,  
33 1967.

34 Until January 1, 2000, all other monies paid into

1 the Horse Racing Tax Allocation Fund pursuant to this  
2 paragraph (11) shall be allocated by appropriation as  
3 follows:

4 Two-sevenths to the Department of Agriculture.  
5 Fifty percent of this two-sevenths shall be used to  
6 promote the Illinois horse racing and breeding  
7 industry, and shall be distributed by the Department  
8 of Agriculture upon the advice of a 9-member  
9 committee appointed by the Governor consisting of  
10 the following members: the Director of Agriculture,  
11 who shall serve as chairman; 2 representatives of  
12 organization licensees conducting thoroughbred race  
13 meetings in this State, recommended by those  
14 licensees; 2 representatives of organization  
15 licensees conducting standardbred race meetings in  
16 this State, recommended by those licensees; a  
17 representative of the Illinois Thoroughbred Breeders  
18 and Owners Foundation, recommended by that  
19 Foundation; a representative of the Illinois  
20 Standardbred Owners and Breeders Association,  
21 recommended by that Association; a representative of  
22 the Horsemen's Benevolent and Protective Association  
23 or any successor organization thereto established in  
24 Illinois comprised of the largest number of owners  
25 and trainers, recommended by that Association or  
26 that successor organization; and a representative of  
27 the Illinois Harness Horsemen's Association,  
28 recommended by that Association. Committee members  
29 shall serve for terms of 2 years, commencing January  
30 1 of each even-numbered year. If a representative  
31 of any of the above-named entities has not been  
32 recommended by January 1 of any even-numbered year,  
33 the Governor shall appoint a committee member to  
34 fill that position. Committee members shall receive

1 no compensation for their services as members but  
2 shall be reimbursed for all actual and necessary  
3 expenses and disbursements incurred in the  
4 performance of their official duties. The remaining  
5 50% of this two-sevenths shall be distributed to  
6 county fairs for premiums and rehabilitation as set  
7 forth in the Agricultural Fair Act;

8 Four-sevenths to museums and aquariums located  
9 in park districts of over 500,000 population;  
10 provided that the monies are distributed in  
11 accordance with the previous year's distribution of  
12 the maintenance tax for such museums and aquariums  
13 as provided in Section 2 of the Park District  
14 Aquarium and Museum Act; and

15 One-seventh to the Agricultural Premium Fund to  
16 be used for distribution to agricultural home  
17 economics extension councils in accordance with "An  
18 Act in relation to additional support and finances  
19 for the Agricultural and Home Economic Extension  
20 Councils in the several counties of this State and  
21 making an appropriation therefor", approved July 24,  
22 1967. This subparagraph (C) shall be inoperative and  
23 of no force and effect on and after January 1, 2000.

24 (D) Except as provided in paragraph (11) of  
25 this subsection (h), with respect to purse  
26 allocation from intertrack wagering, the monies so  
27 retained shall be divided as follows:

28 (i) If the inter-track wagering licensee,  
29 except an intertrack wagering licensee that  
30 derives its license from an organization  
31 licensee located in a county with a population  
32 in excess of 230,000 and bounded by the  
33 Mississippi River, is not conducting its own  
34 race meeting during the same dates, then the

1 entire purse allocation shall be to purses at  
2 the track where the races wagered on are being  
3 conducted.

4 (ii) If the inter-track wagering  
5 licensee, except an intertrack wagering  
6 licensee that derives its license from an  
7 organization licensee located in a county with  
8 a population in excess of 230,000 and bounded  
9 by the Mississippi River, is also conducting  
10 its own race meeting during the same dates,  
11 then the purse allocation shall be as follows:  
12 50% to purses at the track where the races  
13 wagered on are being conducted; 50% to purses  
14 at the track where the inter-track wagering  
15 licensee is accepting such wagers.

16 (iii) If the inter-track wagering is  
17 being conducted by an inter-track wagering  
18 location licensee, except an intertrack  
19 wagering location licensee that derives its  
20 license from an organization licensee located  
21 in a county with a population in excess of  
22 230,000 and bounded by the Mississippi River,  
23 the entire purse allocation for Illinois races  
24 shall be to purses at the track where the race  
25 meeting being wagered on is being held.

26 (12) The Board shall have all powers necessary and  
27 proper to fully supervise and control the conduct of  
28 inter-track wagering and simulcast wagering by  
29 inter-track wagering licensees and inter-track wagering  
30 location licensees, including, but not limited to the  
31 following:

32 (A) The Board is vested with power to  
33 promulgate reasonable rules and regulations for the  
34 purpose of administering the conduct of this

1 waging and to prescribe reasonable rules,  
2 regulations and conditions under which such waging  
3 shall be held and conducted. Such rules and  
4 regulations are to provide for the prevention of  
5 practices detrimental to the public interest and for  
6 the best interests of said waging and to impose  
7 penalties for violations thereof.

8 (B) The Board, and any person or persons to  
9 whom it delegates this power, is vested with the  
10 power to enter the facilities of any licensee to  
11 determine whether there has been compliance with the  
12 provisions of this Act and the rules and regulations  
13 relating to the conduct of such waging.

14 (C) The Board, and any person or persons to  
15 whom it delegates this power, may eject or exclude  
16 from any licensee's facilities, any person whose  
17 conduct or reputation is such that his presence on  
18 such premises may, in the opinion of the Board, call  
19 into the question the honesty and integrity of, or  
20 interfere with the orderly conduct of such waging;  
21 provided, however, that no person shall be excluded  
22 or ejected from such premises solely on the grounds  
23 of race, color, creed, national origin, ancestry, or  
24 sex.

25 (D) (Blank).

26 (E) The Board is vested with the power to  
27 appoint delegates to execute any of the powers  
28 granted to it under this Section for the purpose of  
29 administering this waging and any rules and  
30 regulations promulgated in accordance with this Act.

31 (F) The Board shall name and appoint a State  
32 director of this waging who shall be a  
33 representative of the Board and whose duty it shall  
34 be to supervise the conduct of inter-track waging

1 as may be provided for by the rules and regulations  
2 of the Board; such rules and regulation shall  
3 specify the method of appointment and the Director's  
4 powers, authority and duties.

5 (G) The Board is vested with the power to  
6 impose civil penalties of up to \$5,000 against  
7 individuals and up to \$10,000 against licensees for  
8 each violation of any provision of this Act relating  
9 to the conduct of this wagering, any rules adopted  
10 by the Board, any order of the Board or any other  
11 action which in the Board's discretion, is a  
12 detriment or impediment to such wagering.

13 (13) The Department of Agriculture may enter into  
14 agreements with licensees authorizing such licensees to  
15 conduct inter-track wagering on races to be held at the  
16 licensed race meetings conducted by the Department of  
17 Agriculture. Such agreement shall specify the races of  
18 the Department of Agriculture's licensed race meeting  
19 upon which the licensees will conduct wagering. In the  
20 event that a licensee conducts inter-track pari-mutuel  
21 wagering on races from the Illinois State Fair or DuQuoin  
22 State Fair which are in addition to the licensee's  
23 previously approved racing program, those races shall be  
24 considered a separate racing day for the purpose of  
25 determining the daily handle and computing the privilege  
26 or pari-mutuel tax on that daily handle as provided in  
27 Sections 27 and 27.1. Such agreements shall be approved  
28 by the Board before such wagering may be conducted. In  
29 determining whether to grant approval, the Board shall  
30 give due consideration to the best interests of the  
31 public and of horse racing. The provisions of paragraphs  
32 (1), (8), (8.1), and (8.2) of subsection (h) of this  
33 Section which are not specified in this paragraph (13)  
34 shall not apply to licensed race meetings conducted by

1 the Department of Agriculture at the Illinois State Fair  
2 in Sangamon County or the DuQuoin State Fair in Perry  
3 County, or to any wagering conducted on those race  
4 meetings.

5 (i) Notwithstanding the other provisions of this Act,  
6 the conduct of wagering at wagering facilities is authorized  
7 on all days, except as limited by subsection (b) of Section  
8 19 of this Act.

9 (Source: P.A. 91-40, eff. 6-25-99; 92-211, eff. 8-2-01.)

10 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

11 Sec. 27. (a) In addition to the organization license fee  
12 provided by this Act, until January 1, 2000, a graduated  
13 privilege tax is hereby imposed for conducting the  
14 pari-mutuel system of wagering permitted under this Act.  
15 Until January 1, 2000, except as provided in subsection (g)  
16 of Section 27 of this Act, all of the breakage of each racing  
17 day held by any licensee in the State shall be paid to the  
18 State. Until January 1, 2000, such daily graduated privilege  
19 tax shall be paid by the licensee from the amount permitted  
20 to be retained under this Act. Until January 1, 2000, each  
21 day's graduated privilege tax, breakage, and Horse Racing Tax  
22 Allocation funds shall be remitted to the Department of  
23 Revenue within 48 hours after the close of the racing day  
24 upon which it is assessed or within such other time as the  
25 Board prescribes. The privilege tax hereby imposed, until  
26 January 1, 2000, shall be a flat tax at the rate of 2% of the  
27 daily pari-mutuel handle except as provided in Section 27.1.

28 In addition, every organization licensee, except as  
29 provided in Section 27.1 of this Act, which conducts multiple  
30 wagering shall pay, until January 1, 2000, as a privilege tax  
31 on multiple wagers an amount equal to 1.25% of all moneys  
32 wagered each day on such multiple wagers, plus an additional  
33 amount equal to 3.5% of the amount wagered each day on any

1 other multiple wager which involves a single betting interest  
2 on 3 or more horses. The licensee shall remit the amount of  
3 such taxes to the Department of Revenue within 48 hours after  
4 the close of the racing day on which it is assessed or within  
5 such other time as the Board prescribes.

6 This subsection (a) shall be inoperative and of no force  
7 and effect on and after January 1, 2000.

8 (a-5) Beginning on January 1, 2000, a flat pari-mutuel  
9 tax at the rate of 1.5% of the daily pari-mutuel handle is  
10 imposed at all pari-mutuel wagering facilities, which shall  
11 be remitted to the Department of Revenue within 48 hours  
12 after the close of the racing day upon which it is assessed  
13 or within such other time as the Board prescribes.

14 (b) On or before December 31, 1999, in the event that  
15 any organization licensee conducts 2 separate programs of  
16 races on any day, each such program shall be considered a  
17 separate racing day for purposes of determining the daily  
18 handle and computing the privilege tax on such daily handle  
19 as provided in subsection (a) of this Section.

20 (c) Licensees shall at all times keep accurate books and  
21 records of all monies wagered on each day of a race meeting  
22 and of the taxes paid to the Department of Revenue under the  
23 provisions of this Section. The Board or its duly authorized  
24 representative or representatives shall at all reasonable  
25 times have access to such records for the purpose of  
26 examining and checking the same and ascertaining whether the  
27 proper amount of taxes is being paid as provided. The Board  
28 shall require verified reports and a statement of the total  
29 of all monies wagered daily at each wagering facility upon  
30 which the taxes are assessed and may prescribe forms upon  
31 which such reports and statement shall be made.

32 (d) Any licensee failing or refusing to pay the amount  
33 of any tax due under this Section shall be guilty of a  
34 business offense and upon conviction shall be fined not more

1 than \$5,000 in addition to the amount found due as tax under  
2 this Section. Each day's violation shall constitute a  
3 separate offense. All fines paid into Court by a licensee  
4 hereunder shall be transmitted and paid over by the Clerk of  
5 the Court to the Board.

6 (e) No other license fee, privilege tax, excise tax, or  
7 racing fee, except as provided in this Act, shall be assessed  
8 or collected from any such licensee by the State.

9 (f) No other license fee, privilege tax, excise tax or  
10 racing fee shall be assessed or collected from any such  
11 licensee by units of local government except as provided in  
12 paragraph 10.1 of subsection (h) and subsection (f) of  
13 Section 26 of this Act. However, any municipality that has a  
14 Board licensed horse race meeting at a race track wholly  
15 within its corporate boundaries or a township that has a  
16 Board licensed horse race meeting at a race track wholly  
17 within the unincorporated area of the township may charge a  
18 local amusement tax not to exceed 10¢ per admission to such  
19 horse race meeting by the enactment of an ordinance.  
20 However, any municipality or county that has a Board licensed  
21 inter-track wagering location facility wholly within its  
22 corporate boundaries may each impose an admission fee not to  
23 exceed \$1.00 per admission to such inter-track wagering  
24 location facility, so that a total of not more than \$2.00 per  
25 admission may be imposed. Except as provided in subparagraph  
26 (g) of Section 27 of this Act, the inter-track wagering  
27 location licensee shall collect any and all such fees and  
28 within 48 hours remit the fees to the Board, which shall,  
29 pursuant to rule, cause the fees to be distributed to the  
30 county or municipality.

31 (g) Notwithstanding any provision in this Act to the  
32 contrary, if in any calendar year the total taxes and fees  
33 from wagering on live racing and from inter-track wagering  
34 required to be collected from licensees and distributed under

1 this Act to all State and local governmental authorities  
2 exceeds the amount of such taxes and fees distributed to each  
3 State and local governmental authority to which each State  
4 and local governmental authority was entitled under this Act  
5 for calendar year 1994, then the first \$11 million of that  
6 excess amount shall be allocated at the earliest possible  
7 date for distribution as purse money for the succeeding  
8 calendar year. Upon reaching the 1994 level, and until the  
9 excess amount of taxes and fees exceeds \$11 million, the  
10 Board shall direct all licensees to cease paying the subject  
11 taxes and fees and the Board shall direct all licensees to  
12 allocate any such excess amount for purses as follows:

13 (i) the excess amount shall be initially divided  
14 between thoroughbred and standardbred purses based on the  
15 thoroughbred's and standardbred's respective percentages  
16 of total Illinois live wagering in calendar year 1994;

17 (ii) each thoroughbred and standardbred  
18 organization licensee issued an organization licensee in  
19 that succeeding allocation year shall be allocated an  
20 amount equal to the product of its percentage of total  
21 Illinois live thoroughbred or standardbred wagering in  
22 calendar year 1994 (the total to be determined based on  
23 the sum of 1994 on-track wagering for all organization  
24 licensees issued organization licenses in both the  
25 allocation year and the preceding year) multiplied by the  
26 total amount allocated for standardbred or thoroughbred  
27 purses, provided that the first \$1,500,000 of the amount  
28 allocated to standardbred purses under item (i) shall be  
29 allocated to the Department of Agriculture to be expended  
30 with the assistance and advice of the Illinois  
31 Standardbred Breeders Funds Advisory Board for the  
32 purposes listed in subsection (g) of Section 31 of this  
33 Act, before the amount allocated to standardbred purses  
34 under item (i) is allocated to standardbred organization

1 licensees in the succeeding allocation year.

2 To the extent the excess amount of taxes and fees to be  
3 collected and distributed to State and local governmental  
4 authorities exceeds \$11 million, that excess amount shall be  
5 collected and distributed to State and local authorities as  
6 provided for under this Act.

7 (Source: P.A. 91-40, eff. 6-25-99.)

8 (230 ILCS 5/28.1)

9 Sec. 28.1. Payments.

10 (a) Beginning on January 1, 2000, moneys collected by  
11 the Department of Revenue and the Racing Board pursuant to  
12 Section 26 or Section 27 of this Act shall be deposited into  
13 the Horse Racing Fund, which is hereby created as a special  
14 fund in the State Treasury.

15 (b) Appropriations, as approved by the General Assembly,  
16 may be made from the Horse Racing Fund to the Board to pay  
17 the salaries of the Board members, secretary, stewards,  
18 directors of mutuels, veterinarians, representatives,  
19 accountants, clerks, stenographers, inspectors and other  
20 employees of the Board, and all expenses of the Board  
21 incident to the administration of this Act, including, but  
22 not limited to, all expenses and salaries incident to the  
23 taking of saliva and urine samples in accordance with the  
24 rules and regulations of the Board.

25 (c) Appropriations, as approved by the General Assembly,  
26 shall be made from the Horse Racing Fund to the Department of  
27 Agriculture for the purposes identified in paragraphs (2),  
28 (2.5), (4), (4.1), (6), (7), (8), and (9) of subsection (g)  
29 of Section 30, subsection (e) of Section 30.5, paragraphs  
30 (1), (2), (3), (5), and (8) of subsection (g) of Section 31,  
31 and for standardbred bonus programs for owners of horses that  
32 win multiple stakes races that are limited to Illinois  
33 conceived and foaled horses. From Beginning-on January 1,

1     2000 until the effective date of this amendatory Act of the  
 2     93rd General Assembly, the Board shall transfer the remainder  
 3     of the funds generated pursuant to Sections 26 and 27 from  
 4     the Horse Racing Fund into the General Revenue Fund.

5           (d) Beginning January 1, 2000, payments to all programs  
 6     in existence on the effective date of this amendatory Act of  
 7     1999 that are identified in Sections 26(c), 26(f),  
 8     26(h)(11)(C), and 28, subsections (a), (b), (c), (d), (e),  
 9     (f), (g), and (h) of Section 30, and subsections (a), (b),  
 10    (c), (d), (e), (f), (g), and (h) of Section 31 shall be made  
 11    from the General Revenue Fund at the funding levels  
 12    determined by amounts paid under this Act in calendar year  
 13    1998.

14           (e) Notwithstanding any other provision of this Act to  
 15    the contrary, appropriations, as approved by the General  
 16    Assembly, may be made from the Fair and Exposition Fund to  
 17    the Department of Agriculture for distribution to Illinois  
 18    county fairs to supplement premiums offered in junior  
 19    classes.

20    (Source: P.A. 91-40, eff. 6-25-99.)

21           (230 ILCS 5/30) (from Ch. 8, par. 37-30)

22           Sec. 30. (a) The General Assembly declares that it is  
 23    the policy of this State to encourage the breeding of  
 24    thoroughbred horses in this State and the ownership of such  
 25    horses by residents of this State in order to provide for:  
 26    sufficient numbers of high quality thoroughbred horses to  
 27    participate in thoroughbred racing meetings in this State,  
 28    and to establish and preserve the agricultural and commercial  
 29    benefits of such breeding and racing industries to the State  
 30    of Illinois. It is the intent of the General Assembly to  
 31    further this policy by the provisions of this Act.

32           (b) Each organization licensee conducting a thoroughbred  
 33    racing meeting pursuant to this Act shall provide at least

1 two races each day limited to Illinois conceived and foaled  
2 horses or Illinois foaled horses or both. A minimum of 6  
3 races shall be conducted each week limited to Illinois  
4 conceived and foaled or Illinois foaled horses or both.  
5 Subject to the daily availability of horses, one of the 6  
6 races scheduled per week that are limited to Illinois  
7 conceived and foaled or Illinois foaled horses or both shall  
8 be limited to Illinois conceived and foaled or Illinois  
9 foaled maidens. No horses shall be permitted to start in such  
10 races unless duly registered under the rules of the  
11 Department of Agriculture.

12 (c) Conditions of races under subsection (b) shall be  
13 commensurate with past performance, quality, and class of  
14 Illinois conceived and foaled and Illinois foaled horses  
15 available. If, however, sufficient competition cannot be had  
16 among horses of that class on any day, the races may, with  
17 consent of the Board, be eliminated for that day and  
18 substitute races provided.

19 (d) There is hereby created a special fund of the State  
20 Treasury to be known as the Illinois Thoroughbred Breeders  
21 Fund.

22 Except as provided in subsection (g) of Section 27 of  
23 this Act, 8.5% of all the monies received by the State as  
24 privilege taxes on Thoroughbred racing meetings shall be paid  
25 into the Illinois Thoroughbred Breeders Fund.

26 (e) The Illinois Thoroughbred Breeders Fund shall be  
27 administered by the Department of Agriculture with the advice  
28 and assistance of the Advisory Board created in subsection  
29 (f) of this Section.

30 (f) The Illinois Thoroughbred Breeders Fund Advisory  
31 Board shall consist of the Director of the Department of  
32 Agriculture, who shall serve as Chairman; a member of the  
33 Illinois Racing Board, designated by it; 2 representatives of  
34 the organization licensees conducting thoroughbred racing

1 meetings, recommended by them; 2 representatives of the  
2 Illinois Thoroughbred Breeders and Owners Foundation,  
3 recommended by it; and 2 representatives of the Horsemen's  
4 Benevolent Protective Association or any successor  
5 organization established in Illinois comprised of the largest  
6 number of owners and trainers, recommended by it, with one  
7 representative of the Horsemen's Benevolent and Protective  
8 Association to come from its Illinois Division, and one from  
9 its Chicago Division. Advisory Board members shall serve for  
10 2 years commencing January 1 of each odd numbered year. If  
11 representatives of the organization licensees conducting  
12 thoroughbred racing meetings, the Illinois Thoroughbred  
13 Breeders and Owners Foundation, and the Horsemen's Benevolent  
14 Protection Association have not been recommended by January  
15 1, of each odd numbered year, the Director of the Department  
16 of Agriculture shall make an appointment for the organization  
17 failing to so recommend a member of the Advisory Board.  
18 Advisory Board members shall receive no compensation for  
19 their services as members but shall be reimbursed for all  
20 actual and necessary expenses and disbursements incurred in  
21 the execution of their official duties.

22 (g) Moneys ~~Ne-monies~~ shall be expended from the Illinois  
23 Thoroughbred Breeders Fund ~~exeept~~ as appropriated by the  
24 General Assembly pursuant to this Act, the Riverboat Gambling  
25 Act, or both. Monies appropriated from the Illinois  
26 Thoroughbred Breeders Fund shall be expended by the  
27 Department of Agriculture, with the advice and assistance of  
28 the Illinois Thoroughbred Breeders Fund Advisory Board, for  
29 the following purposes only:

30 (1) To provide purse supplements to owners of  
31 horses participating in races limited to Illinois  
32 conceived and foaled and Illinois foaled horses. Any  
33 such purse supplements shall not be included in and shall  
34 be paid in addition to any purses, stakes, or breeders'

1 awards offered by each organization licensee as  
2 determined by agreement between such organization  
3 licensee and an organization representing the horsemen.  
4 No monies from the Illinois Thoroughbred Breeders Fund  
5 shall be used to provide purse supplements for claiming  
6 races in which the minimum claiming price is less than  
7 \$7,500.

8 (2) To provide stakes and awards to be paid to the  
9 owners of the winning horses in certain races limited to  
10 Illinois conceived and foaled and Illinois foaled horses  
11 designated as stakes races.

12 (2.5) To provide an award to the owner or owners of  
13 an Illinois conceived and foaled or Illinois foaled horse  
14 that wins a maiden special weight, an allowance,  
15 overnight handicap race, or claiming race with claiming  
16 price of \$10,000 or more providing the race is not  
17 restricted to Illinois conceived and foaled or Illinois  
18 foaled horses. Awards shall also be provided to the  
19 owner or owners of Illinois conceived and foaled and  
20 Illinois foaled horses that place second or third in  
21 those races. To the extent that additional moneys are  
22 required to pay the minimum additional awards of 40% of  
23 the purse the horse earns for placing first, second or  
24 third in those races for Illinois foaled horses and of  
25 60% of the purse the horse earns for placing first,  
26 second or third in those races for Illinois conceived and  
27 foaled horses, those moneys shall be provided from the  
28 purse account at the track where earned.

29 (3) To provide stallion awards to the owner or  
30 owners of any stallion that is duly registered with the  
31 Illinois Thoroughbred Breeders Fund Program ~~prior to the~~  
32 ~~effective date of this amendatory Act of 1995~~ whose duly  
33 registered Illinois conceived and foaled offspring wins a  
34 race conducted at an Illinois thoroughbred racing meeting

1 other than a claiming race. Such award shall not be paid  
2 to the owner or owners of an Illinois stallion that  
3 served outside this State at any time during the calendar  
4 year in which such race was conducted.

5 (4) To provide \$75,000 annually for purses to be  
6 distributed to county fairs that provide for the running  
7 of races during each county fair exclusively for the  
8 thoroughbreds conceived and foaled in Illinois. The  
9 conditions of the races shall be developed by the county  
10 fair association and reviewed by the Department with the  
11 advice and assistance of the Illinois Thoroughbred  
12 Breeders Fund Advisory Board. There shall be no wagering  
13 of any kind on the running of Illinois conceived and  
14 foaled races at county fairs.

15 (4.1) (Blank). ~~To provide purse money for an~~  
16 ~~Illinois stallion stakes program.~~

17 (5) No less than 80% of all monies appropriated to  
18 ~~from~~ the Illinois Thoroughbred Breeders Fund shall be  
19 expended for the purposes in (1), (2), (2.5), (3), (4),  
20 (4.1), and (5) as shown above.

21 (6) To provide for educational programs regarding  
22 the thoroughbred breeding industry.

23 (7) To provide for research programs concerning the  
24 health, development and care of the thoroughbred horse.

25 (8) To provide for a scholarship and training  
26 program for students of equine veterinary medicine.

27 (9) To provide for dissemination of public  
28 information designed to promote the breeding of  
29 thoroughbred horses in Illinois.

30 (10) To provide for all expenses incurred in the  
31 administration of the Illinois Thoroughbred Breeders  
32 Fund.

33 (h) (Blank). ~~Whenever the Governor finds that the amount~~  
34 ~~in the Illinois Thoroughbred Breeders Fund is more than the~~

1 ~~total-of-the-outstanding-appropriations-from-such--fund,--the~~  
2 ~~Governor--shall--notify--the--State-Comptroller-and-the-State~~  
3 ~~Treasurer-of--such--fact.---The--Comptroller--and--the--State~~  
4 ~~Treasurer,--upon-receipt-of-such-notification,--shall-transfer~~  
5 ~~such-excess-amount-from-the--Illinois--Thoroughbred--Breeders~~  
6 ~~Fund-to-the-General-Revenue-Fund.~~

7 (i) A sum equal to 12 1/2% of the first prize money of  
8 every purse won by an Illinois foaled or an Illinois  
9 conceived and foaled horse in races not limited to Illinois  
10 foaled horses or Illinois conceived and foaled horses, or  
11 both, shall be paid by the organization licensee conducting  
12 the horse race meeting. Such sum shall be paid from the  
13 organization licensee's share of the money wagered as  
14 follows: 11 1/2% to the breeder of the winning horse and 1%  
15 to the organization representing thoroughbred breeders and  
16 owners whose representative serves on the Illinois  
17 Thoroughbred Breeders Fund Advisory Board for verifying the  
18 amounts of breeders' awards earned, assuring their  
19 distribution in accordance with this Act, and servicing and  
20 promoting the Illinois thoroughbred horse racing industry.  
21 The organization representing thoroughbred breeders and  
22 owners shall cause all expenditures of monies received under  
23 this subsection (i) to be audited at least annually by a  
24 registered public accountant. The organization shall file  
25 copies of each annual audit with the Racing Board, the Clerk  
26 of the House of Representatives and the Secretary of the  
27 Senate, and shall make copies of each annual audit available  
28 to the public upon request and upon payment of the reasonable  
29 cost of photocopying the requested number of copies. Such  
30 payments shall not reduce any award to the owner of the horse  
31 or reduce the taxes payable under this Act. Upon completion  
32 of its racing meet, each organization licensee shall deliver  
33 to the organization representing thoroughbred breeders and  
34 owners whose representative serves on the Illinois

1 Thoroughbred Breeders Fund Advisory Board a listing of all  
2 the Illinois foaled and the Illinois conceived and foaled  
3 horses which won breeders' awards and the amount of such  
4 breeders' awards under this subsection to verify accuracy of  
5 payments and assure proper distribution of breeders' awards  
6 in accordance with the provisions of this Act. Such payments  
7 shall be delivered by the organization licensee within 30  
8 days of the end of each race meeting.

9 (j) A sum equal to 12 1/2% of the first prize money won  
10 in each race limited to Illinois foaled horses or Illinois  
11 conceived and foaled horses, or both, shall be paid in the  
12 following manner by the organization licensee conducting the  
13 horse race meeting, from the organization licensee's share of  
14 the money wagered: 11 1/2% to the breeders of the horses in  
15 each such race which are the official first, second, third  
16 and fourth finishers and 1% to the organization representing  
17 thoroughbred breeders and owners whose representative serves  
18 on the Illinois Thoroughbred Breeders Fund Advisory Board for  
19 verifying the amounts of breeders' awards earned, assuring  
20 their proper distribution in accordance with this Act, and  
21 servicing and promoting the Illinois thoroughbred horse  
22 racing industry. The organization representing thoroughbred  
23 breeders and owners shall cause all expenditures of monies  
24 received under this subsection (j) to be audited at least  
25 annually by a registered public accountant. The organization  
26 shall file copies of each annual audit with the Racing Board,  
27 the Clerk of the House of Representatives and the Secretary  
28 of the Senate, and shall make copies of each annual audit  
29 available to the public upon request and upon payment of the  
30 reasonable cost of photocopying the requested number of  
31 copies.

32 The 11 1/2% paid to the breeders in accordance with this  
33 subsection shall be distributed as follows:

34 (1) 60% of such sum shall be paid to the breeder of

1 the horse which finishes in the official first position;

2 (2) 20% of such sum shall be paid to the breeder of  
3 the horse which finishes in the official second position;

4 (3) 15% of such sum shall be paid to the breeder of  
5 the horse which finishes in the official third position;  
6 and

7 (4) 5% of such sum shall be paid to the breeder of  
8 the horse which finishes in the official fourth position.

9 Such payments shall not reduce any award to the owners of  
10 a horse or reduce the taxes payable under this Act. Upon  
11 completion of its racing meet, each organization licensee  
12 shall deliver to the organization representing thoroughbred  
13 breeders and owners whose representative serves on the  
14 Illinois Thoroughbred Breeders Fund Advisory Board a listing  
15 of all the Illinois foaled and the Illinois conceived and  
16 foaled horses which won breeders' awards and the amount of  
17 such breeders' awards in accordance with the provisions of  
18 this Act. Such payments shall be delivered by the  
19 organization licensee within 30 days of the end of each race  
20 meeting.

21 (k) The term "breeder", as used herein, means the owner  
22 of the mare at the time the foal is dropped. An "Illinois  
23 foaled horse" is a foal dropped by a mare which enters this  
24 State on or before December 1, in the year in which the horse  
25 is bred, provided the mare remains continuously in this State  
26 until its foal is born. An "Illinois foaled horse" also means  
27 a foal born of a mare in the same year as the mare enters  
28 this State on or before March 1, and remains in this State at  
29 least 30 days after foaling, is bred back during the season  
30 of the foaling to an Illinois Registered Stallion (unless a  
31 veterinarian certifies that the mare should not be bred for  
32 health reasons), and is not bred to a stallion standing in  
33 any other state during the season of foaling. An "Illinois  
34 foaled horse" also means a foal born in Illinois of a mare

1 purchased at public auction subsequent to the mare entering  
2 this State prior to March 1 February-1 of the foaling year  
3 providing the mare is owned solely by one or more Illinois  
4 residents or an Illinois entity that is entirely owned by one  
5 or more Illinois residents.

6 (1) The Department of Agriculture shall, by rule, with  
7 the advice and assistance of the Illinois Thoroughbred  
8 Breeders Fund Advisory Board:

9 (1) Qualify stallions for Illinois breeding; such  
10 stallions to stand for service within the State of  
11 Illinois at the time of a foal's conception. Such  
12 stallion must not stand for service at any place outside  
13 the State of Illinois during the calendar year in which  
14 the foal is conceived. The Department of Agriculture may  
15 assess and collect an application fee of \$500 fees for  
16 the registration of each Illinois-eligible stallion  
17 stallions. All fees collected are to be paid into the  
18 Illinois Thoroughbred Breeders Fund and used by the  
19 Illinois Thoroughbred Breeders Fund Advisory Board for  
20 stallion awards.

21 (2) Provide for the registration of Illinois  
22 conceived and foaled horses and Illinois foaled horses.  
23 No such horse shall compete in the races limited to  
24 Illinois conceived and foaled horses or Illinois foaled  
25 horses or both unless registered with the Department of  
26 Agriculture. The Department of Agriculture may prescribe  
27 such forms as are necessary to determine the eligibility  
28 of such horses. The Department of Agriculture may assess  
29 and collect application fees for the registration of  
30 Illinois-eligible foals. All fees collected are to be  
31 paid into the Illinois Thoroughbred Breeders Fund. No  
32 person shall knowingly prepare or cause preparation of an  
33 application for registration of such foals containing  
34 false information.

1 (m) The Department of Agriculture, with the advice and  
2 assistance of the Illinois Thoroughbred Breeders Fund  
3 Advisory Board, shall provide that certain races limited to  
4 Illinois conceived and foaled and Illinois foaled horses be  
5 stakes races and determine the total amount of stakes and  
6 awards to be paid to the owners of the winning horses in such  
7 races.

8 In determining the stakes races and the amount of awards  
9 for such races, the Department of Agriculture shall consider  
10 factors, including but not limited to, the amount of money  
11 appropriated for the Illinois Thoroughbred Breeders Fund  
12 program, organization licensees' contributions, availability  
13 of stakes caliber horses as demonstrated by past  
14 performances, whether the race can be coordinated into the  
15 proposed racing dates within organization licensees' racing  
16 dates, opportunity for colts and fillies and various age  
17 groups to race, public wagering on such races, and the  
18 previous racing schedule.

19 (n) The Board and the organizational licensee shall  
20 notify the Department of the conditions and minimum purses  
21 for races limited to Illinois conceived and foaled and  
22 Illinois foaled horses conducted for each organizational  
23 licensee conducting a thoroughbred racing meeting. The  
24 Department of Agriculture with the advice and assistance of  
25 the Illinois Thoroughbred Breeders Fund Advisory Board may  
26 allocate monies for purse supplements for such races. In  
27 determining whether to allocate money and the amount, the  
28 Department of Agriculture shall consider factors, including  
29 but not limited to, the amount of money appropriated for the  
30 Illinois Thoroughbred Breeders Fund program, the number of  
31 races that may occur, and the organizational licensee's purse  
32 structure.

33 (o) (Blank). ~~In order to improve the breeding quality of~~  
34 ~~thoroughbred horses in the State, the General Assembly~~

1 recognizes--that--existing--provisions--of--this--Section--to  
 2 encourage--such--quality--breeding--need--to--be--revised-and  
 3 strengthened.--As-such,-a-Thoroughbred-Breeder's-Program-Task  
 4 Force-is-to-be-appointed-by-the-Governor-by-September-17-1999  
 5 to-make-recommendations-to-the-General-Assembly-by--no--later  
 6 than--March--17-2000.--This-task-force-is-to-be-composed-of-2  
 7 representatives-from-the-Illinois-Thoroughbred--Breeders--and  
 8 Owners---Foundation,-2---from---the--Illinois--Thoroughbred  
 9 Horsemen's-Association,-3-from-Illinois-race-tracks-operating  
 10 thoroughbred-race-meets-for-an-average-of-at-least-30-days-in  
 11 the-past-3-years,-the-Director-of-Agriculture,-the--Executive  
 12 Director-of-the-Racing-Board,-who-shall-serve-as-Chairman.  
 13 (Source: P.A. 91-40, eff. 6-25-99.)

14 (230 ILCS 5/31) (from Ch. 8, par. 37-31)  
 15 Sec. 31. (a) The General Assembly declares that it is  
 16 the policy of this State to encourage the breeding of  
 17 standardbred horses in this State and the ownership of such  
 18 horses by residents of this State in order to provide for:  
 19 sufficient numbers of high quality standardbred horses to  
 20 participate in harness racing meetings in this State, and to  
 21 establish and preserve the agricultural and commercial  
 22 benefits of such breeding and racing industries to the State  
 23 of Illinois. It is the intent of the General Assembly to  
 24 further this policy by the provisions of this Section of this  
 25 Act.  
 26 (b) Each organization licensee conducting a harness  
 27 racing meeting pursuant to this Act shall provide for at  
 28 least two races each race program limited to Illinois  
 29 conceived and foaled horses. A minimum of 6 races shall be  
 30 conducted each week limited to Illinois conceived and foaled  
 31 horses. No horses shall be permitted to start in such races  
 32 unless duly registered under the rules of the Department of  
 33 Agriculture.

1       (b-5) Each organization licensee conducting a harness  
2 racing meeting pursuant to this Act shall provide stakes  
3 races and early closer races for Illinois conceived and  
4 foaled horses so the total purses distributed for such races  
5 shall be no less than 17% of the total purses distributed at  
6 the meeting.

7       (b-10) Each organization licensee conducting a harness  
8 racing meeting pursuant to this Act shall provide an owner  
9 award to be paid from the purse account equal to 25% of the  
10 amount earned by Illinois conceived and foaled horses in  
11 races that are not restricted to Illinois conceived and  
12 foaled horses.

13       (c) Conditions of races under subsection (b) shall be  
14 commensurate with past performance, quality and class of  
15 Illinois conceived and foaled horses available. If, however,  
16 sufficient competition cannot be had among horses of that  
17 class on any day, the races may, with consent of the Board,  
18 be eliminated for that day and substitute races provided.

19       (d) There is hereby created a special fund of the State  
20 Treasury to be known as the Illinois Standardbred Breeders  
21 Fund.

22       During the calendar year 1981, and each year thereafter,  
23 except as provided in subsection (g) of Section 27 of this  
24 Act, eight and one-half per cent of all the monies received  
25 by the State as privilege taxes on harness racing meetings  
26 shall be paid into the Illinois Standardbred Breeders Fund.

27       (e) The Illinois Standardbred Breeders Fund shall be  
28 administered by the Department of Agriculture with the  
29 assistance and advice of the Advisory Board created in  
30 subsection (f) of this Section.

31       (f) The Illinois Standardbred Breeders Fund Advisory  
32 Board is hereby created. The Advisory Board shall consist of  
33 the Director of the Department of Agriculture, who shall  
34 serve as Chairman; the Superintendent of the Illinois State

1 Fair; a member of the Illinois Racing Board, designated by  
2 it; a representative of the Illinois Standardbred Owners and  
3 Breeders Association, recommended by it; a representative of  
4 the Illinois Association of Agricultural Fairs, recommended  
5 by it, such representative to be from a fair at which  
6 Illinois conceived and foaled racing is conducted; a  
7 representative of the organization licensees conducting  
8 harness racing meetings, recommended by them and a  
9 representative of the Illinois Harness Horsemen's  
10 Association, recommended by it. Advisory Board members shall  
11 serve for 2 years commencing January 1, of each odd numbered  
12 year. If representatives of the Illinois Standardbred Owners  
13 and Breeders Associations, the Illinois Association of  
14 Agricultural Fairs, the Illinois Harness Horsemen's  
15 Association, and the organization licensees conducting  
16 harness racing meetings have not been recommended by January  
17 1, of each odd numbered year, the Director of the Department  
18 of Agriculture shall make an appointment for the organization  
19 failing to so recommend a member of the Advisory Board.  
20 Advisory Board members shall receive no compensation for  
21 their services as members but shall be reimbursed for all  
22 actual and necessary expenses and disbursements incurred in  
23 the execution of their official duties.

24 (g) No monies shall be expended from the Illinois  
25 Standardbred Breeders Fund except as appropriated by the  
26 General Assembly. Monies appropriated from the Illinois  
27 Standardbred Breeders Fund shall be expended by the  
28 Department of Agriculture, with the assistance and advice of  
29 the Illinois Standardbred Breeders Fund Advisory Board for  
30 the following purposes only:

31 1. To provide purses for races limited to Illinois  
32 conceived and foaled horses at the State Fair and the  
33 DuQuoin State Fair.

34 2. To provide purses for races limited to Illinois

1 conceived and foaled horses at county fairs.

2 3. To provide purse supplements for races limited  
3 to Illinois conceived and foaled horses conducted by  
4 associations conducting harness racing meetings.

5 4. No less than 75% of all monies in the Illinois  
6 Standardbred Breeders Fund shall be expended for purses  
7 in 1, 2 and 3 as shown above.

8 5. In the discretion of the Department of  
9 Agriculture to provide awards to harness breeders of  
10 Illinois conceived and foaled horses which win races  
11 conducted by organization licensees conducting harness  
12 racing meetings. A breeder is the owner of a mare at the  
13 time of conception. No more than 10% of all monies  
14 appropriated from the Illinois Standardbred Breeders Fund  
15 shall be expended for such harness breeders awards. No  
16 more than 25% of the amount expended for harness breeders  
17 awards shall be expended for expenses incurred in the  
18 administration of such harness breeders awards.

19 6. To pay for the improvement of racing facilities  
20 located at the State Fair and County fairs.

21 7. To pay the expenses incurred in the  
22 administration of the Illinois Standardbred Breeders  
23 Fund.

24 8. To promote the sport of harness racing,  
25 including grants up to a maximum of \$7,500 per fair per  
26 year for the cost of a totalizer system to be used for  
27 conducting pari-mutuel wagering during the advertised  
28 dates of a county fair.

29 (h) Whenever the Governor finds that the amount in the  
30 Illinois Standardbred Breeders Fund is more than the total of  
31 the outstanding appropriations from such fund, the Governor  
32 shall notify the State Comptroller and the State Treasurer of  
33 such fact. The Comptroller and the State Treasurer, upon  
34 receipt of such notification, shall transfer such excess

1 amount from the Illinois Standardbred Breeders Fund to the  
2 General Revenue Fund.

3 (i) A sum equal to 12 1/2% of the first prize money of  
4 every purse won by an Illinois conceived and foaled horse  
5 shall be paid by the organization licensee conducting the  
6 horse race meeting to the breeder of such winning horse from  
7 the organization licensee's account ~~share--of--the--money~~  
8 ~~wagered~~. Such payment shall not reduce any award to the owner  
9 of the horse or reduce the taxes payable under this Act.  
10 Such payment shall be delivered by the organization licensee  
11 at the end of each month ~~race-meeting~~.

12 (j) The Department of Agriculture shall, by rule, with  
13 the assistance and advice of the Illinois Standardbred  
14 Breeders Fund Advisory Board:

15 1. Qualify stallions for Illinois Standardbred Breeders  
16 Fund breeding; such stallion shall be owned by a resident of  
17 the State of Illinois or by an Illinois corporation all of  
18 whose shareholders, directors, officers and incorporators are  
19 residents of the State of Illinois. Such stallion shall  
20 stand for service at and within the State of Illinois at the  
21 time of a foal's conception, and such stallion must not stand  
22 for service at any place, ~~nor may semen from such stallion be~~  
23 ~~transported~~, outside the State of Illinois during that  
24 calendar year in which the foal is conceived and that the  
25 owner of the stallion was for the 12 months prior, a resident  
26 of Illinois. The articles of agreement of any partnership,  
27 joint venture, limited partnership, syndicate, association or  
28 corporation and any bylaws and stock certificates must  
29 contain a restriction that provides that the ownership or  
30 transfer of interest by any one of the persons a party to the  
31 agreement can only be made to a person who qualifies as an  
32 Illinois resident. Foals conceived outside the State of  
33 Illinois from shipped semen from a stallion qualified for  
34 breeders' awards under this Section are not eligible to

1 participate in the Illinois conceived and foaled program.

2       2. Provide for the registration of Illinois conceived  
3 and foaled horses and no such horse shall compete in the  
4 races limited to Illinois conceived and foaled horses unless  
5 registered with the Department of Agriculture. The  
6 Department of Agriculture may prescribe such forms as may be  
7 necessary to determine the eligibility of such horses. No  
8 person shall knowingly prepare or cause preparation of an  
9 application for registration of such foals containing false  
10 information. A mare (dam) must be in the state at least 30  
11 days prior to foaling or remain in the State at least 30 days  
12 at the time of foaling. Beginning with the 1996 breeding  
13 season and for foals of 1997 and thereafter, a foal conceived  
14 in the State of Illinois by transported fresh semen may be  
15 eligible for Illinois conceived and foaled registration  
16 provided all breeding and foaling requirements are met. The  
17 stallion must be qualified for Illinois Standardbred Breeders  
18 Fund breeding at the time of conception and the mare must be  
19 inseminated within the State of Illinois. The foal must be  
20 dropped in Illinois and properly registered with the  
21 Department of Agriculture in accordance with this Act.

22       3. Provide that at least a 5 day racing program shall be  
23 conducted at the State Fair each year, which program shall  
24 include at least the following races limited to Illinois  
25 conceived and foaled horses: (a) a two year old Trot and  
26 Pace, and Filly Division of each; (b) a three year old Trot  
27 and Pace, and Filly Division of each; (c) an aged Trot and  
28 Pace, and Mare Division of each.

29       4. Provide for the payment of nominating, sustaining and  
30 starting fees for races promoting the sport of harness racing  
31 and for the races to be conducted at the State Fair as  
32 provided in subsection (j) 3 of this Section provided that  
33 the nominating, sustaining and starting payment required from  
34 an entrant shall not exceed 2% of the purse of such race.

1 All nominating, sustaining and starting payments shall be  
2 held for the benefit of entrants and shall be paid out as  
3 part of the respective purses for such races. Nominating,  
4 sustaining and starting fees shall be held in trust accounts  
5 for the purposes as set forth in this Act and in accordance  
6 with Section 205-15 of the Department of Agriculture Law (20  
7 ILCS 205/205-15).

8 5. Provide for the registration with the Department of  
9 Agriculture of Colt Associations or county fairs desiring to  
10 sponsor races at county fairs.

11 (k) The Department of Agriculture, with the advice and  
12 assistance of the Illinois Standardbred Breeders Fund  
13 Advisory Board, may allocate monies for purse supplements for  
14 such races. In determining whether to allocate money and the  
15 amount, the Department of Agriculture shall consider factors,  
16 including but not limited to, the amount of money  
17 appropriated for the Illinois Standardbred Breeders Fund  
18 program, the number of races that may occur, and an  
19 organizational licensee's purse structure. The  
20 organizational licensee shall notify the Department of  
21 Agriculture of the conditions and minimum purses for races  
22 limited to Illinois conceived and foaled horses to be  
23 conducted by each organizational licensee conducting a  
24 harness racing meeting for which purse supplements have been  
25 negotiated.

26 (l) All races held at county fairs and the State Fair  
27 which receive funds from the Illinois Standardbred Breeders  
28 Fund shall be conducted in accordance with the rules of the  
29 United States Trotting Association unless otherwise modified  
30 by the Department of Agriculture.

31 (m) At all standardbred race meetings held or conducted  
32 under authority of a license granted by the Board, and at all  
33 standardbred races held at county fairs which are approved by  
34 the Department of Agriculture or at the Illinois or DuQuoin

1 State Fairs, no one shall jog, train, warm up or drive a  
2 standardbred horse unless he or she is wearing a protective  
3 safety helmet, with the chin strap fastened and in place,  
4 which meets the standards and requirements as set forth in  
5 the 1984 Standard for Protective Headgear for Use in Harness  
6 Racing and Other Equestrian Sports published by the Snell  
7 Memorial Foundation, or any standards and requirements for  
8 headgear the Illinois Racing Board may approve. Any other  
9 standards and requirements so approved by the Board shall  
10 equal or exceed those published by the Snell Memorial  
11 Foundation. Any equestrian helmet bearing the Snell label  
12 shall be deemed to have met those standards and requirements.  
13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (230 ILCS 5/32.1)

15 Sec. 32.1. Pari-mutuel tax credit; statewide racetrack  
16 real estate equalization. In order to encourage new  
17 investment in Illinois racetrack facilities and mitigate  
18 differing real estate tax burdens among all racetracks, the  
19 licensees affiliated or associated with each racetrack that  
20 has been awarded live racing dates in the current year shall  
21 receive an immediate pari-mutuel tax credit in an amount  
22 equal to the greater of (i) 50% of the amount of the real  
23 estate taxes paid in the prior year attributable to that  
24 racetrack, or (ii) the amount by which the real estate taxes  
25 paid in the prior year attributable to that racetrack exceeds  
26 60% of the average real estate taxes paid in the prior year  
27 for all racetracks awarded live horse racing meets in the  
28 current year.

29 Each year, regardless of whether the organization  
30 licensee conducted live racing in the year of certification,  
31 the Board shall certify in writing, prior to December 31, the  
32 real estate taxes paid in that year for each racetrack and  
33 the amount of the pari-mutuel tax credit that each

1 organization licensee, intertrack wagering licensee, and  
2 intertrack wagering location licensee that derives its  
3 license from such racetrack is entitled in the succeeding  
4 calendar year. The real estate taxes considered under this  
5 Section for any racetrack shall be those taxes on the real  
6 estate parcels and related facilities used to conduct a horse  
7 race meeting and inter-track wagering at such racetrack under  
8 this Act. In no event shall the amount of the tax credit  
9 under this Section exceed the amount of pari-mutuel taxes  
10 otherwise calculated under this Act. The amount of the tax  
11 credit under this Section shall be retained by each licensee  
12 and shall not be subject to any reallocation or further  
13 distribution under this Act. The Board may promulgate  
14 emergency rules to implement this Section.

15 An organization licensee shall no longer be eligible to  
16 receive a pari-mutuel tax credit under this Section beginning  
17 on the January 1 first occurring after the organization  
18 licensee begins conducting electronic gaming pursuant to an  
19 electronic gaming license issued under Section 7.4 of the  
20 Riverboat Gambling Act or on January 1, 2005, whichever comes  
21 first. For the calendar year in which an organization  
22 licensee that is eligible to receive a pari-mutuel tax credit  
23 under this Section begins conducting electronic gaming  
24 pursuant to an electronic gaming license, the amount of the  
25 pari-mutuel tax credit shall be reduced by a percentage equal  
26 to the percentage of the year remaining after the  
27 organization licensee begins conducting electronic gaming  
28 pursuant to its electronic gaming license. Beginning on  
29 January 1, 2005, the provisions of this Section shall be of  
30 no force and effect.

31 (Source: P.A. 91-40, eff. 6-25-99.)

32 (230 ILCS 5/34.2 new)

33 Sec. 34.2. Racetrack consolidation.

1       (a) Findings. The General Assembly finds that  
2 encouraging organization licensees to consolidate will be  
3 beneficial to the horse racing industry. The General  
4 Assembly declares it to be the public policy of this State to  
5 enhance the viability of the horse racing industry by  
6 encouraging organization licensees to consolidate and not be  
7 penalized or lose any rights, benefits, or powers by reason  
8 of such consolidation.

9       (b) Consolidation. Notwithstanding any provision of  
10 this Act to the contrary, if 2 or more existing organization  
11 licensees consolidate into a single organization licensee or  
12 otherwise form a joint venture, corporation, limited  
13 liability company, or similar consolidated enterprise  
14 (consolidated organization licensee) whereby the consolidated  
15 organization licensee makes application or joint application,  
16 as the case may be, as a single organization licensee, or  
17 such existing licensees, after consolidation, make separate  
18 applications in the names of such pre-existing licensees, the  
19 newly consolidated organization licensee or each such  
20 separate pre-existing licensee shall thereafter retain and be  
21 entitled to all of the rights, benefits, and powers under  
22 this Act that would have otherwise accrued to each such  
23 individual pre-consolidation organization licensee but for  
24 such consolidation, regardless of whether all or a portion of  
25 the facilities of a pre-consolidation licensee are sold,  
26 transferred, or otherwise cease to be utilized by the newly  
27 consolidated organization licensee or either of the  
28 pre-existing licensees. Such multiple rights, benefits, and  
29 powers shall include, but not be limited to:

30       (1) the authority to make application for and  
31 receive, within the discretion of the Board, racing  
32 dates, including host track days, in the same manner as  
33 the individual pre-consolidation organization licensees  
34 and the racetracks from which the organization licensees

1 derive their licenses;

2 (2) the right to retain the existing inter-track  
3 wagering licenses and inter-track wagering location  
4 licenses of the individual pre-consolidation organization  
5 licensees and the racetracks from which the organization  
6 licensees derive their licenses, and the authority to  
7 make application for future inter-track wagering licenses  
8 and inter-track wagering location licenses in the same  
9 manner as each individual pre-consolidation organization  
10 licensee and the racetracks from which each  
11 pre-consolidation organization licensee derives its  
12 license, had or has in its own right; and

13 (3) all existing and future rights, benefits, and  
14 powers that the individual pre-consolidation organization  
15 licensees and the racetracks from which the organization  
16 licensees derive their licenses would have had or  
17 received but for the consolidation.

18 The newly consolidated organization licensee shall be  
19 subject to such taxation and fees as other similarly situated  
20 organization licensees.

21 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

22 Sec. 36. (a) Whoever administers or conspires to  
23 administer to any horse a hypnotic, narcotic, stimulant,  
24 depressant or any chemical substance which may affect the  
25 speed of a horse at any time in any race where the purse or  
26 any part of the purse is made of money authorized by any  
27 Section of this Act, except those chemical substances  
28 permitted by ruling of the Board, internally, externally or  
29 by hypodermic method in a race or prior thereto, or whoever  
30 knowingly enters a horse in any race within a period of 24  
31 hours after any hypnotic, narcotic, stimulant, depressant or  
32 any other chemical substance which may affect the speed of a  
33 horse at any time, except those chemical substances permitted

1 by ruling of the Board, has been administered to such horse  
2 either internally or externally or by hypodermic method for  
3 the purpose of increasing or retarding the speed of such  
4 horse shall be guilty of a Class 4 felony. The Board shall  
5 suspend or revoke such violator's license.

6 (b) The term "hypnotic" as used in this Section includes  
7 all barbituric acid preparations and derivatives.

8 (c) The term "narcotic" as used in this Section includes  
9 opium and all its alkaloids, salts, preparations and  
10 derivatives, cocaine and all its salts, preparations and  
11 derivatives and substitutes.

12 (d) The provisions of this Section 36 and the treatment  
13 authorized herein apply to horses entered in and competing in  
14 race meetings as defined in Section 3.47 of this Act and to  
15 horses entered in and competing at any county fair.

16 (Source: P.A. 79-1185.)

17 (230 ILCS 5/42) (from Ch. 8, par. 37-42)

18 Sec. 42. (a) Except as to the distribution of monies  
19 provided for by Sections 28, 29, 30, and 31 and the treating  
20 of horses as provided in Section 36, nothing whatsoever in  
21 this Act shall be held or taken to apply to county fairs and  
22 State Fairs or to agricultural and livestock exhibitions  
23 where the pari-mutuel system of wagering upon the result of  
24 horses is not permitted or conducted.

25 (b) Nothing herein shall be construed to permit the  
26 pari-mutuel method of wagering upon any race track unless  
27 such race track is licensed under this Act. It is hereby  
28 declared to be unlawful for any person to permit, conduct or  
29 supervise upon any race track ground the pari-mutuel method  
30 of wagering except in accordance with the provisions of this  
31 Act.

32 (c) Whoever violates subsection (b) of this Section is  
33 guilty of a Class 4 felony.

1 (Source: P.A. 89-16, eff. 5-30-95.)

2 (230 ILCS 5/56 new)

3 Sec. 56. Electronic gaming.

4 (a) An organization licensee may apply to the Gaming  
5 Board for an electronic gaming license. An electronic gaming  
6 license shall authorize its holder to conduct electronic  
7 gaming on the grounds of the licensee's race track. Each  
8 license shall specify the number of gaming positions that its  
9 holder may operate. An electronic gaming licensee may not  
10 permit persons under 21 years of age to be present in its  
11 electronic gaming facility, but the licensee may accept  
12 pari-mutuel wagers at its electronic gaming facility that are  
13 placed by persons who are at least 21 years of age.

14 If employees of an organization licensee accept  
15 pari-mutuel wagers at a portion of the organization  
16 licensee's race track that is not separate and distinct from  
17 its electronic gaming facility, those employees must be  
18 licensed in the same manner as employees of an electronic  
19 gaming facility and must undergo the same background  
20 investigation under the Riverboat Gambling Act as employees  
21 of an electronic gaming facility.

22 (b) Prior to the payment of any taxes under Section 13  
23 of the Riverboat Gambling Act, of the adjusted gross receipts  
24 received by an electronic gaming licensee from electronic  
25 gaming, 14% of those adjusted gross receipts received during  
26 the first 5 years that the licensee conducts electronic  
27 gaming and 15% of those adjusted gross receipts received  
28 during the sixth and all subsequent years that the licensee  
29 conducts electronic gaming shall be paid to purse equity  
30 accounts as provided by current law or as provided by Racing  
31 Board rule. Of the moneys paid into purse equity accounts  
32 under this subsection (b), 58% shall be paid to thoroughbred  
33 purse equity accounts and 48% shall be paid to standardbred

1 purse equity accounts.

2 (c) Prior to the payment of any taxes under Section 13  
3 of the Riverboat Gambling Act, the following amounts shall be  
4 paid each month by all electronic gaming licensees from the  
5 adjusted gross receipts received by those electronic gaming  
6 licensees:

7 (1) 1/12 of \$5,000,000 shall be paid to the  
8 Department of Agriculture and distributed by the  
9 Department as determined by rule into the Illinois  
10 Thoroughbred Breeders Fund and the Illinois Standardbred  
11 Breeders Fund;

12 (2) 1/12 of \$1,250,000 shall be paid to the Racing  
13 Industry Charitable Foundation;

14 (3) 1/12 of \$500,000 shall be paid to the  
15 Department of Agriculture and distributed by the  
16 Department as determined by rule to State universities  
17 for equine research; and

18 (4) 1/12 of \$500,000 shall be paid into the  
19 Illinois Quarterhorse Breeders Fund.

20 The payments required under this subsection (c) shall be  
21 paid by electronic gaming licensees, pro rata, based on the  
22 total amount wagered at each of those electronic gaming  
23 licensees' electronic gaming facilities in the previous  
24 month.

25 (d) The amounts remaining after all payments required  
26 under this Section and under Section 13 of the Riverboat  
27 Gambling Act shall be retained by the electronic gaming  
28 licensee.

29 (230 ILCS 5/57 new)

30 Sec. 57. Marketing and Promotion.

31 (a) Beginning January 30, 2004 and every January 30  
32 thereafter, each organization licensee shall certify the  
33 amounts it spent on marketing and promoting horseracing and

1 electronic gaming in the immediately previous calendar year.

2 (b) Beginning with calendar year 2004, and every year  
3 thereafter, each organization licensees that was awarded an  
4 electronic gaming license by the Gaming Board shall spend on  
5 the marketing of horseracing in each calendar year no less  
6 than the organization licensee spent on the marketing of  
7 horseracing in calendar year 2003.

8 (c) Beginning with calendar year 2004, an organization  
9 licensee that was awarded an electronic gaming license by the  
10 Gaming Board shall be required to spend on the marketing of  
11 electronic gaming in each calendar year no less than the  
12 amount that the organization licensee spent on the marketing  
13 of horseracing in calendar year 2003. At least 50% of any  
14 advertising spent to promote electronic gaming shall also  
15 promote horseracing. Advertising includes direct spending for  
16 print and electronic media.

17 (d) If the average total daily handle on live race meets  
18 of an organization licensee that was awarded an electronic  
19 gaming license by the Gaming Board decreases by 15% or more  
20 compared to the average daily handle for live race meets of  
21 that licensee in the immediately previous calendar year, that  
22 organization licensee shall increase advertising expenditures  
23 promoting horseracing by 50% in the immediately following  
24 calendar year, unless the organization licensee and its  
25 representative horsemen's association agree otherwise in  
26 writing. An organization licensee that experiences such a  
27 decrease in average daily handle for live race meets shall  
28 notify the Racing Board of the amount that it intends to  
29 spend on advertising horseracing in the immediately following  
30 calendar year.

31 (e) Before November 30 of each year, an organization  
32 licensee that has been awarded race dates for the subsequent  
33 year shall convene a meeting with representatives of  
34 horsemen's associations to discuss, review, and solicit input

1 regarding the horseracing marketing plans for horseracing  
2 promotional programs conducted in the current year and  
3 planned for the subsequent year.

4 Section 80. The Riverboat Gambling Act is amended by  
5 changing Sections 3, 4, 5, 7, 8, 9, 11, 11.1, 12, 13, 14, 18,  
6 19, and 20 and adding Sections 7.4, 7.5, 13.2, and 13.3 as  
7 follows:

8 (230 ILCS 10/3) (from Ch. 120, par. 2403)

9 Sec. 3. Riverboat Gambling Authorized.

10 (a) Riverboat gambling operations and electronic gaming  
11 operations ~~and--the-system-of-wagering-incorporated-therein,~~  
12 as defined in this Act, are hereby authorized to the extent  
13 that they are carried out in accordance with the provisions  
14 of this Act.

15 (b) This Act does not apply to the pari-mutuel system of  
16 wagering used or intended to be used in connection with the  
17 horse-race meetings as authorized under the Illinois Horse  
18 Racing Act of 1975, lottery games authorized under the  
19 Illinois Lottery Law, bingo authorized under the Bingo  
20 License and Tax Act, charitable games authorized under the  
21 Charitable Games Act or pull tabs and jar games conducted  
22 under the Illinois Pull Tabs and Jar Games Act. This Act does  
23 apply to electronic gaming authorized under the Illinois  
24 Horse Racing Act of 1975 to the extent provided in that Act  
25 and in this Act.

26 (c) Riverboat gambling conducted pursuant to this Act  
27 may be authorized upon any water within the State of Illinois  
28 or any water other than Lake Michigan which constitutes a  
29 boundary of the State of Illinois. A licensee may conduct  
30 riverboat gambling authorized under this Act regardless of  
31 whether it conducts excursion cruises. A licensee may permit  
32 the continuous ingress and egress of passengers for the

1 purpose of gambling.

2 (d) Electronic gaming may be conducted at electronic  
3 gaming facilities as authorized under this Act.

4 (Source: P.A. 91-40, eff. 6-25-99.)

5 (230 ILCS 10/4) (from Ch. 120, par. 2404)

6 Sec. 4. Definitions. As used in this Act:

7 {a} "Board" means the Illinois Gaming Board.

8 {b} "Occupational license" means a license issued by the  
9 Board to a person or entity to perform an occupation which  
10 the Board has identified as requiring a license to engage in  
11 riverboat gambling in Illinois.

12 {c} "Gambling game" includes, but is not limited to,  
13 baccarat, twenty-one, poker, craps, slot machine, video game  
14 of chance, roulette wheel, klondike table, punchboard, faro  
15 layout, keno layout, numbers ticket, push card, jar ticket,  
16 or pull tab which is authorized by the Board as a wagering  
17 device under this Act.

18 {d} "Riverboat" means a self-propelled excursion boat, a  
19 permanently moored barge, or permanently moored barges that  
20 are permanently fixed together to operate as one vessel, on  
21 which lawful gambling is authorized and licensed as provided  
22 in this Act.

23 {e}--(Blank)-

24 {f} "Dock" means the location where a riverboat moors  
25 for the purpose of embarking passengers for and disembarking  
26 passengers from the riverboat.

27 {g} "Gross receipts" means the total amount of money  
28 exchanged for the purchase of chips, tokens or electronic  
29 cards by riverboat patrons or electronic gaming operation  
30 patrons.

31 {h} "Adjusted gross receipts" means the gross receipts  
32 less winnings paid to wagerers.

33 {i} "Cheat" means to alter the selection of criteria

1 which determine the result of a gambling game or the amount  
2 or frequency of payment in a gambling game.

3 {j} "Department" means the Department of Revenue.

4 {k} "Gambling operation" means the conduct of authorized  
5 gambling games authorized under this Act on upon a riverboat  
6 or authorized under this Act and the Illinois Horse Racing  
7 Act of 1975 at an electronic gaming facility.

8 "Owners license" means a license to conduct riverboat  
9 gambling operations, but does not include an electronic  
10 gaming license.

11 "Licensed owner" means a person who holds an owners  
12 license.

13 "Electronic gaming license" means a license issued by the  
14 Board under Section 7.4 of this Act authorizing electronic  
15 gaming at an electronic gaming facility.

16 "Electronic gaming" means the conduct of gambling using  
17 slot machines, video games of chance, or both, at a race  
18 track licensed under the Illinois Horse Racing Act of 1975  
19 pursuant to the Illinois Horse Racing Act of 1975 and this  
20 Act.

21 "Electronic gaming facility" means the area where the  
22 Board has authorized electronic gaming at a race track of an  
23 organization licensee under the Illinois Horse Racing Act of  
24 1975 that holds an electronic gaming license.

25 "Organization licensee" means an entity authorized by the  
26 Illinois Racing Board to conduct pari-mutuel wagering in  
27 accordance with the Illinois Horse Racing Act of 1975.

28 "Gambling participant" and "gaming position" both have  
29 the same meaning as the term "gaming position" as defined by  
30 the Board by rule.

31 (Source: P.A. 91-40, eff. 6-25-99; 92-600, eff. 6-28-02.)

32 (230 ILCS 10/5) (from Ch. 120, par. 2405)

33 Sec. 5. Gaming Board.

1           (a) (1) There is hereby established within the  
2 Department of Revenue an Illinois Gaming Board which shall  
3 have the powers and duties specified in this Act, and all  
4 other powers necessary and proper to fully and effectively  
5 execute this Act for the purpose of administering,  
6 regulating, and enforcing the system of riverboat gambling  
7 established by this Act. Its jurisdiction shall extend under  
8 this Act to every person, association, corporation,  
9 partnership and trust involved in riverboat gambling  
10 operations in the State of Illinois.

11           (2) The Board shall consist of 5 members to be appointed  
12 by the Governor with the advice and consent of the Senate,  
13 one of whom shall be designated by the Governor to be  
14 chairman. Each member shall have a reasonable knowledge of  
15 the practice, procedure and principles of gambling  
16 operations. Each member shall either be a resident of  
17 Illinois or shall certify that he will become a resident of  
18 Illinois before taking office. At least one member shall be  
19 experienced in law enforcement and criminal investigation, at  
20 least one member shall be a certified public accountant  
21 experienced in accounting and auditing, and at least one  
22 member shall be a lawyer licensed to practice law in  
23 Illinois.

24           (3) The terms of office of the Board members shall be 3  
25 years, except that the terms of office of the initial Board  
26 members appointed pursuant to this Act will commence from the  
27 effective date of this Act and run as follows: one for a  
28 term ending July 1, 1991, 2 for a term ending July 1, 1992,  
29 and 2 for a term ending July 1, 1993. Upon the expiration of  
30 the foregoing terms, the successors of such members shall  
31 serve a term for 3 years and until their successors are  
32 appointed and qualified for like terms. Vacancies in the  
33 Board shall be filled for the unexpired term in like manner  
34 as original appointments. Each member of the Board shall be

1 eligible for reappointment at the discretion of the Governor  
2 with the advice and consent of the Senate.

3 (4) Each member of the Board shall receive \$300 for each  
4 day the Board meets and for each day the member conducts any  
5 hearing pursuant to this Act. Each member of the Board shall  
6 also be reimbursed for all actual and necessary expenses and  
7 disbursements incurred in the execution of official duties.

8 (5) No person shall be appointed a member of the Board  
9 or continue to be a member of the Board who is, or whose  
10 spouse, child or parent is, a member of the board of  
11 directors of, or a person financially interested in, any  
12 gambling operation subject to the jurisdiction of this Board,  
13 or any race track, race meeting, racing association or the  
14 operations thereof subject to the jurisdiction of the  
15 Illinois Racing Board. No Board member shall hold any other  
16 public office for which he shall receive compensation other  
17 than necessary travel or other incidental expenses. No  
18 person shall be a member of the Board who is not of good  
19 moral character or who has been convicted of, or is under  
20 indictment for, a felony under the laws of Illinois or any  
21 other state, or the United States.

22 (6) Any member of the Board may be removed by the  
23 Governor for neglect of duty, misfeasance, malfeasance, or  
24 nonfeasance in office.

25 (7) Before entering upon the discharge of the duties of  
26 his office, each member of the Board shall take an oath that  
27 he will faithfully execute the duties of his office according  
28 to the laws of the State and the rules and regulations  
29 adopted therewith and shall give bond to the State of  
30 Illinois, approved by the Governor, in the sum of \$25,000.  
31 Every such bond, when duly executed and approved, shall be  
32 recorded in the office of the Secretary of State. Whenever  
33 the Governor determines that the bond of any member of the  
34 Board has become or is likely to become invalid or

1 insufficient, he shall require such member forthwith to renew  
2 his bond, which is to be approved by the Governor. Any  
3 member of the Board who fails to take oath and give bond  
4 within 30 days from the date of his appointment, or who fails  
5 to renew his bond within 30 days after it is demanded by the  
6 Governor, shall be guilty of neglect of duty and may be  
7 removed by the Governor. The cost of any bond given by any  
8 member of the Board under this Section shall be taken to be a  
9 part of the necessary expenses of the Board.

10 (8) Upon the request of the Board, the Department shall  
11 employ such personnel as may be necessary to carry out the  
12 functions of the Board. No person shall be employed to serve  
13 the Board who is, or whose spouse, parent or child is, an  
14 official of, or has a financial interest in or financial  
15 relation with, any operator engaged in gambling operations  
16 within this State or any organization engaged in conducting  
17 horse racing within this State. Any employee violating these  
18 prohibitions shall be subject to termination of employment.

19 (9) An Administrator shall perform any and all duties  
20 that the Board shall assign him. The salary of the  
21 Administrator shall be determined by the Board and approved  
22 by the Director of the Department and, in addition, he shall  
23 be reimbursed for all actual and necessary expenses incurred  
24 by him in discharge of his official duties. The  
25 Administrator shall keep records of all proceedings of the  
26 Board and shall preserve all records, books, documents and  
27 other papers belonging to the Board or entrusted to its care.  
28 The Administrator shall devote his full time to the duties of  
29 the office and shall not hold any other office or employment.

30 (b) The Board shall have general responsibility for the  
31 implementation of this Act. Its duties include, without  
32 limitation, the following:

33 (1) To decide promptly and in reasonable order all  
34 license applications. Any party aggrieved by an action of

1 the Board denying, suspending, revoking, restricting or  
2 refusing to renew a license may request a hearing before  
3 the Board. A request for a hearing must be made to the  
4 Board in writing within 5 days after service of notice of  
5 the action of the Board. Notice of the action of the  
6 Board shall be served either by personal delivery or by  
7 certified mail, postage prepaid, to the aggrieved party.  
8 Notice served by certified mail shall be deemed complete  
9 on the business day following the date of such mailing.  
10 The Board shall conduct all requested hearings promptly  
11 and in reasonable order;

12 (2) To conduct all hearings pertaining to civil  
13 violations of this Act or rules and regulations  
14 promulgated hereunder;

15 (3) To promulgate such rules and regulations as in  
16 its judgment may be necessary to protect or enhance the  
17 credibility and integrity of gambling operations  
18 authorized by this Act and the regulatory process  
19 hereunder;

20 (4) To provide for the establishment and collection  
21 of all license and registration fees and taxes imposed by  
22 this Act and the rules and regulations issued pursuant  
23 hereto. All such fees and taxes shall be deposited into  
24 the State Gaming Fund;

25 (5) To provide for the levy and collection of  
26 penalties and fines for the violation of provisions of  
27 this Act and the rules and regulations promulgated  
28 hereunder. All such fines and penalties shall be  
29 deposited into the Education Assistance Fund, created by  
30 Public Act 86-0018, of the State of Illinois;

31 (6) To be present through its inspectors and agents  
32 any time gambling operations are conducted on any  
33 riverboat or at any electronic gaming facility for the  
34 purpose of certifying the revenue thereof, receiving

1 complaints from the public, and conducting such other  
2 investigations into the conduct of the gambling games and  
3 the maintenance of the equipment as from time to time the  
4 Board may deem necessary and proper;

5 (7) To review and rule upon any complaint by a  
6 licensee regarding any investigative procedures of the  
7 State which are unnecessarily disruptive of gambling  
8 operations. The need to inspect and investigate shall be  
9 presumed at all times. The disruption of a licensee's  
10 operations shall be proved by clear and convincing  
11 evidence, and establish that: (A) the procedures had no  
12 reasonable law enforcement purposes, and (B) the  
13 procedures were so disruptive as to unreasonably inhibit  
14 gambling operations;

15 (8) To hold at least one meeting each quarter of  
16 the fiscal year. In addition, special meetings may be  
17 called by the Chairman or any 2 Board members upon 72  
18 hours written notice to each member. All Board meetings  
19 shall be subject to the Open Meetings Act. Three members  
20 of the Board shall constitute a quorum, and 3 votes shall  
21 be required for any final determination by the Board.  
22 The Board shall keep a complete and accurate record of  
23 all its meetings. A majority of the members of the Board  
24 shall constitute a quorum for the transaction of any  
25 business, for the performance of any duty, or for the  
26 exercise of any power which this Act requires the Board  
27 members to transact, perform or exercise en banc, except  
28 that, upon order of the Board, one of the Board members  
29 or an administrative law judge designated by the Board  
30 may conduct any hearing provided for under this Act or by  
31 Board rule and may recommend findings and decisions to  
32 the Board. The Board member or administrative law judge  
33 conducting such hearing shall have all powers and rights  
34 granted to the Board in this Act. The record made at the

1 time of the hearing shall be reviewed by the Board, or a  
2 majority thereof, and the findings and decision of the  
3 majority of the Board shall constitute the order of the  
4 Board in such case;

5 (9) To maintain records which are separate and  
6 distinct from the records of any other State board or  
7 commission. Such records shall be available for public  
8 inspection and shall accurately reflect all Board  
9 proceedings;

10 (10) To file a written annual report with the  
11 Governor on or before March 1 each year and such  
12 additional reports as the Governor may request. The  
13 annual report shall include a statement of receipts and  
14 disbursements by the Board, actions taken by the Board,  
15 and any additional information and recommendations which  
16 the Board may deem valuable or which the Governor may  
17 request;

18 (11) (Blank); and

19 (12) To assume responsibility for the  
20 administration and enforcement of the Bingo License and  
21 Tax Act, the Charitable Games Act, and the Pull Tabs and  
22 Jar Games Act if such responsibility is delegated to it  
23 by the Director of Revenue; and-

24 (13) To assume responsibility for the  
25 administration and enforcement of operations at  
26 electronic gaming facilities pursuant to this Act and the  
27 Illinois Horse Racing Act of 1975.

28 (c) The Board shall have jurisdiction over and shall  
29 supervise all gambling operations governed by this Act. The  
30 Board shall have all powers necessary and proper to fully and  
31 effectively execute the provisions of this Act, including,  
32 but not limited to, the following:

33 (1) To investigate applicants and determine the  
34 eligibility of applicants for licenses and to select

1 among competing applicants the applicants which best  
2 serve the interests of the citizens of Illinois.

3 (2) To have jurisdiction and supervision over all  
4 ~~riverboat~~ gambling operations authorized under this Act  
5 ~~in--this--State~~ and all persons in places on riverboats  
6 where gambling operations are conducted.

7 (3) To promulgate rules and regulations for the  
8 purpose of administering the provisions of this Act and  
9 to prescribe rules, regulations and conditions under  
10 which all ~~riverboat~~ gambling operations subject to this  
11 Act in-the-State shall be conducted. Such rules and  
12 regulations are to provide for the prevention of  
13 practices detrimental to the public interest and for the  
14 best interests of ~~riverboat~~ gambling, including rules and  
15 regulations regarding the inspection of electronic gaming  
16 facilities and such riverboats and the review of any  
17 permits or licenses necessary to operate a riverboat  
18 under any laws or regulations applicable to riverboats,  
19 and to impose penalties for violations thereof.

20 (4) To enter the office, riverboats, electronic  
21 gaming facilities, and other facilities, or other places  
22 of business of a licensee, where evidence of the  
23 compliance or noncompliance with the provisions of this  
24 Act is likely to be found.

25 (5) To investigate alleged violations of this Act  
26 or the rules of the Board and to take appropriate  
27 disciplinary action against a licensee or a holder of an  
28 occupational license for a violation, or institute  
29 appropriate legal action for enforcement, or both.

30 (6) To adopt standards for the licensing of all  
31 persons under this Act, as well as for electronic or  
32 mechanical gambling games, and to establish fees for such  
33 licenses.

34 (7) To adopt appropriate standards for all

1 electronic gaming facilities, riverboats, and other  
2 facilities authorized under this Act.

3 (8) To require that the records, including  
4 financial or other statements of any licensee under this  
5 Act, shall be kept in such manner as prescribed by the  
6 Board and that any such licensee involved in the  
7 ownership or management of gambling operations submit to  
8 the Board an annual balance sheet and profit and loss  
9 statement, list of the stockholders or other persons  
10 having a 1% or greater beneficial interest in the  
11 gambling activities of each licensee, and any other  
12 information the Board deems necessary in order to  
13 effectively administer this Act and all rules,  
14 regulations, orders and final decisions promulgated under  
15 this Act.

16 (9) To conduct hearings, issue subpoenas for the  
17 attendance of witnesses and subpoenas duces tecum for the  
18 production of books, records and other pertinent  
19 documents in accordance with the Illinois Administrative  
20 Procedure Act, and to administer oaths and affirmations  
21 to the witnesses, when, in the judgment of the Board, it  
22 is necessary to administer or enforce this Act or the  
23 Board rules.

24 (10) To prescribe a form to be used by any licensee  
25 involved in the ownership or management of gambling  
26 operations as an application for employment for their  
27 employees.

28 (11) To revoke or suspend licenses, as the Board  
29 may see fit and in compliance with applicable laws of the  
30 State regarding administrative procedures, and to review  
31 applications for the renewal of licenses. The Board may  
32 suspend an owners license or electronic gaming license,  
33 without notice or hearing, upon a determination that the  
34 safety or health of patrons or employees is jeopardized

1 by continuing a gambling operation conducted under that  
2 license a--riverbeat's--operation. The suspension may  
3 remain in effect until the Board determines that the  
4 cause for suspension has been abated. The Board may  
5 revoke the owners license or electronic gaming license  
6 upon a determination that the licensee owner has not made  
7 satisfactory progress toward abating the hazard.

8 (12) To eject or exclude or authorize the ejection  
9 or exclusion of, any person from riverbeat gambling  
10 facilities where that such person is in violation of this  
11 Act, rules and regulations thereunder, or final orders of  
12 the Board, or where such person's conduct or reputation  
13 is such that his or her presence within the riverbeat  
14 gambling facilities may, in the opinion of the Board,  
15 call into question the honesty and integrity of the  
16 gambling operations or interfere with the orderly conduct  
17 thereof; provided that the propriety of such ejection or  
18 exclusion is subject to subsequent hearing by the Board.

19 (13) To require all licensees of gambling  
20 operations to utilize a cashless wagering system whereby  
21 all players' money is converted to tokens, electronic  
22 cards, or chips which shall be used only for wagering in  
23 the gambling establishment.

24 (14) (Blank).

25 (15) To suspend, revoke or restrict licenses, to  
26 require the removal of a licensee or an employee of a  
27 licensee for a violation of this Act or a Board rule or  
28 for engaging in a fraudulent practice, and to impose  
29 civil penalties of up to \$5,000 against individuals and  
30 up to \$10,000 or an amount equal to the daily gross  
31 receipts, whichever is larger, against licensees for each  
32 violation of any provision of the Act, any rules adopted  
33 by the Board, any order of the Board or any other action  
34 which, in the Board's discretion, is a detriment or

1           impediment to riverboat gambling operations.

2           (16) To hire employees to gather information,  
3           conduct investigations and carry out any other tasks  
4           contemplated under this Act.

5           (17) To establish minimum levels of insurance to be  
6           maintained by licensees.

7           (18) To authorize a licensee to sell or serve  
8           alcoholic liquors, wine or beer as defined in the Liquor  
9           Control Act of 1934 on board a riverboat and to have  
10          exclusive authority to establish the hours for sale and  
11          consumption of alcoholic liquor on board a riverboat,  
12          notwithstanding any provision of the Liquor Control Act  
13          of 1934 or any local ordinance, and regardless of whether  
14          the riverboat makes excursions. The establishment of the  
15          hours for sale and consumption of alcoholic liquor on  
16          board a riverboat is an exclusive power and function of  
17          the State. A home rule unit may not establish the hours  
18          for sale and consumption of alcoholic liquor on board a  
19          riverboat. This subdivision (18) amendatory Act of 1991  
20          is a denial and limitation of home rule powers and  
21          functions under subsection (h) of Section 6 of Article  
22          VII of the Illinois Constitution.

23          (19) After consultation with the U.S. Army Corps of  
24          Engineers, to establish binding emergency orders upon the  
25          concurrence of a majority of the members of the Board  
26          regarding the navigability of water, relative to  
27          excursions, in the event of extreme weather conditions,  
28          acts of God or other extreme circumstances.

29          (20) To delegate the execution of any of its powers  
30          under this Act for the purpose of administering and  
31          enforcing this Act and its rules and regulations  
32          hereunder.

33          (21) To make rules concerning the conduct of  
34          electronic gaming.

1           (22) ~~(21)~~ To take any other action as may be  
2 reasonable or appropriate to enforce this Act and rules  
3 and regulations hereunder.

4           (d) The Board may seek and shall receive the cooperation  
5 of the Department of State Police in conducting background  
6 investigations of applicants and in fulfilling its  
7 responsibilities under this Section. Costs incurred by the  
8 Department of State Police as a result of such cooperation  
9 shall be paid by the Board in conformance with the  
10 requirements of Section 2605-400 of the Department of State  
11 Police Law (20 ILCS 2605/2605-400).

12           (e) The Board must authorize to each investigator and to  
13 any other employee of the Board exercising the powers of a  
14 peace officer a distinct badge that, on its face, (i) clearly  
15 states that the badge is authorized by the Board and (ii)  
16 contains a unique identifying number. No other badge shall  
17 be authorized by the Board.

18           (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00;  
19 91-883, eff. 1-1-01.)

20           (230 ILCS 10/7) (from Ch. 120, par. 2407)

21           Sec. 7. Owners Licenses.

22           (a) The Board shall issue owners licenses to persons,  
23 firms or corporations which apply for such licenses upon  
24 payment to the Board of the non-refundable license fee set by  
25 the Board, upon payment of a \$25,000 license fee for the  
26 first year of operation and a \$5,000 license fee for each  
27 succeeding year and upon a determination by the Board that  
28 the applicant is eligible for an owners license pursuant to  
29 this Act and the rules of the Board. A person, firm or  
30 corporation is ineligible to receive an owners license if:

31                   (1) the person has been convicted of a felony under  
32 the laws of this State, any other state, or the United  
33 States;

1           (2) the person has been convicted of any violation  
2 of Article 28 of the Criminal Code of 1961, or  
3 substantially similar laws of any other jurisdiction;

4           (3) the person has submitted an application for a  
5 license under this Act which contains false information;

6           (4) the person is a member of the Board;

7           (5) a person defined in (1), (2), (3) or (4) is an  
8 officer, director or managerial employee of the firm or  
9 corporation;

10          (6) the firm or corporation employs a person  
11 defined in (1), (2), (3) or (4) who participates in the  
12 management or operation of gambling operations authorized  
13 under this Act;

14          (7) (blank); or

15          (8) a license of the person, firm or corporation  
16 issued under this Act, or a license to own or operate  
17 gambling facilities in any other jurisdiction, has been  
18 revoked.

19          (b) In determining whether to grant an owners license to  
20 an applicant, the Board shall consider:

21           (1) the character, reputation, experience and  
22 financial integrity of the applicants and of any other or  
23 separate person that either:

24               (A) controls, directly or indirectly, such  
25 applicant, or

26               (B) is controlled, directly or indirectly, by  
27 such applicant or by a person which controls,  
28 directly or indirectly, such applicant;

29           (2) the facilities or proposed facilities for the  
30 conduct of riverboat gambling;

31           (3) the highest prospective total revenue to be  
32 derived by the State from the conduct of riverboat  
33 gambling;

34           (4) the good faith affirmative action plan of each

1 applicant to recruit, train and upgrade minorities in all  
2 employment classifications;

3 (5) the financial ability of the applicant to  
4 purchase and maintain adequate liability and casualty  
5 insurance;

6 (6) whether the applicant has adequate  
7 capitalization to provide and maintain, for the duration  
8 of a license, a riverboat; and

9 (7) the extent to which the applicant exceeds or  
10 meets other standards for the issuance of an owners  
11 license which the Board may adopt by rule.

12 (c) Each owners license shall specify the place where  
13 riverboats shall operate and dock.

14 (d) Each applicant shall submit with his application, on  
15 forms provided by the Board, 2 sets of his fingerprints.

16 (e) The Board may issue up to 10 licenses authorizing  
17 the holders of such licenses to own riverboats. In the  
18 application for an owners license, the applicant shall state  
19 the dock at which the riverboat is based and the water on  
20 which the riverboat will be located. The Board shall issue 5  
21 licenses to become effective not earlier than January 1,  
22 1991. Three of such licenses shall authorize riverboat  
23 gambling on the Mississippi River or in a municipality that  
24 (1) borders on the Mississippi River or is within 5 miles of  
25 the city limits of a municipality that borders on the  
26 Mississippi River and (2), on the effective date of this  
27 amendatory Act of the 93rd General Assembly, has a riverboat  
28 conducting riverboat gambling operations pursuant to a  
29 license issued under this Act, one of which shall authorize  
30 riverboat gambling from a home dock in the city of East St.  
31 Louis, ~~and one of which shall authorize riverboat gambling on~~  
32 ~~the Mississippi River or in a municipality that--(1)--borders~~  
33 ~~on--the--Mississippi--River--or-is-within-5-miles-of-the-city~~  
34 ~~limits-of-a-municipality--that--borders--on--the--Mississippi~~

1 ~~River and (2) on the effective date of this amendatory Act of~~  
2 ~~the 92nd General Assembly has a riverboat conducting~~  
3 ~~riverboat gambling operations pursuant to a license issued~~  
4 ~~under this Act.~~ One other license shall authorize riverboat  
5 gambling on the Illinois River south of Marshall County. The  
6 Board shall issue one additional license to become effective  
7 not earlier than March 1, 1992, which shall authorize  
8 riverboat gambling on the Des Plaines River in Will County.  
9 The Board may issue 4 additional licenses to become effective  
10 not earlier than March 1, 1992. In determining the water  
11 upon which riverboats will operate, the Board shall consider  
12 the economic benefit which riverboat gambling confers on the  
13 State, and shall seek to assure that all regions of the State  
14 share in the economic benefits of riverboat gambling.

15 In granting all licenses, the Board may give favorable  
16 consideration to economically depressed areas of the State,  
17 to applicants presenting plans which provide for significant  
18 economic development over a large geographic area, and to  
19 applicants who currently operate non-gambling riverboats in  
20 Illinois. The Board shall review all applications for owners  
21 licenses, and shall inform each applicant of the Board's  
22 decision.

23 The Board may revoke the owners license of a licensee  
24 which fails to begin conducting gambling within 15 months of  
25 receipt of the Board's approval of the application if the  
26 Board determines that license revocation is in the best  
27 interests of the State.

28 (f) The first 10 owners licenses issued under this Act  
29 shall permit the holder to own up to 2 riverboats and  
30 equipment thereon for a period of 3 years after the effective  
31 date of the license. Holders of the first 10 owners licenses  
32 must pay the annual license fee for each of the 3 years  
33 during which they are authorized to own riverboats.

34 (g) Upon the termination, expiration, or revocation of

1 each of the first 10 licenses, which shall be issued for a 3  
2 year period, all licenses are renewable annually upon payment  
3 of the fee and a determination by the Board that the licensee  
4 continues to meet all of the requirements of this Act and the  
5 Board's rules. However, for licenses renewed on or after May  
6 1, 1998, renewal shall be for a period of 4 years, unless the  
7 Board sets a shorter period.

8 (h) An owners license shall entitle the licensee to own  
9 up to 2 riverboats and operate up to 2,000 gaming positions.  
10 In addition to the 2,000 gaming positions authorized by a  
11 licensee's owners license, a licensee may operate gaming  
12 positions that it acquires pursuant to the competitive  
13 bidding process established under this subsection (h). A  
14 licensee may operate both of its riverboats concurrently,  
15 provided that the total number of gaming positions on both  
16 riverboats does not exceed 2,000 plus the number of gaming  
17 positions it receives under the competitive bidding process.  
18 For each 4-year license period, a licensee shall certify to  
19 the Board the total number of gaming positions it will use  
20 during the license period. If a licensee certifies that it  
21 will use a given number of gaming positions during its  
22 license period and, in the Board's determination, fails to  
23 use some or all of those gaming positions, then the unused  
24 gaming positions shall become the property of the Board. If  
25 a licensee certifies that it will use fewer than 2,000 gaming  
26 positions, then the authorized but unused gaming positions  
27 shall become the property of the Board. The Board shall  
28 establish, by rule, a method for licensees to competitively  
29 bid for the right to use gaming positions that become the  
30 property of the Board under this subsection (h). A licensee  
31 may not bid for additional gaming positions under this  
32 subsection (h) unless (1) it certifies that it is currently  
33 using all 2,000 gaming positions authorized by its license or  
34 (2) it certifies that it is remodeling or has remodeled its

1 riverboat gambling facilities and, upon completion of the  
2 remodeling, will be able to operate at least 2,000 gaming  
3 positions.

4 An owners licensee that is authorized to admit in excess  
5 of 1,200 participants under this subsection (h) may conduct  
6 riverboat gambling operations from a temporary facility  
7 pending the construction of a permanent facility or the  
8 remodeling of an existing facility to accommodate those  
9 additional participants for up to 12 months after receiving  
10 the authority to admit additional participants. Upon request  
11 by an owners licensee and upon a showing of good cause by the  
12 owners licensee, the Board shall extend the period during  
13 which the licensee may conduct riverboat gambling operations  
14 from a temporary facility by up to 12 months. The number of  
15 participants who may be present at such a temporary facility  
16 at one time may not exceed the number of participants the  
17 licensee is authorized to admit in excess of 1,200. The  
18 Board shall make rules concerning the conduct of gambling  
19 from temporary facilities. A-licensee-shall-limit-the-number  
20 of--gambling--participants--to--1,200--for--any--such--owners  
21 license.-A--licensee--may--operate--both--of--its--riverboats  
22 concurrently,--provided--that--the--total--number--of--gambling  
23 participants--on--both--riverboats--does--not--exceed--1,200.  
24 Riverboats-licensed-to-operate-on-the-Mississippi--River--and  
25 the--Illinois--River--south--of--Marshall-County--shall--have--an  
26 authorized-capacity-of--at--least--500--persons.---Any--other  
27 riverboat--licensed--under--this-Act--shall--have--an--authorized  
28 capacity-of-at-least-400-persons.

29 (i) A licensed owner is authorized to apply to the Board  
30 for and, if approved therefor, to receive all licenses from  
31 the Board necessary for the operation of a riverboat,  
32 including a liquor license, a license to prepare and serve  
33 food for human consumption, and other necessary licenses.  
34 All use, occupation and excise taxes which apply to the sale

1 of food and beverages in this State and all taxes imposed on  
2 the sale or use of tangible personal property apply to such  
3 sales aboard the riverboat.

4 (j) The Board may issue a license authorizing a  
5 riverboat to dock in a municipality or approve a relocation  
6 under Section 11.2 only if, prior to the issuance of the  
7 license or approval, the governing body of the municipality  
8 in which the riverboat will dock has by a majority vote  
9 approved the docking of riverboats in the municipality. The  
10 Board may issue a license authorizing a riverboat to dock in  
11 areas of a county outside any municipality or approve a  
12 relocation under Section 11.2 only if, prior to the issuance  
13 of the license or approval, the governing body of the county  
14 has by a majority vote approved of the docking of riverboats  
15 within such areas.

16 (Source: P.A. 91-40, eff. 6-25-99; 92-600, eff. 6-28-02.)

17 (230 ILCS 10/7.4 new)

18 Sec. 7.4. Electronic gaming.

19 (a) The General Assembly finds that the horse racing and  
20 riverboat gambling industries share many similarities and  
21 collectively comprise the bulk of the State's gaming  
22 industry. One feature in common to both industries is that  
23 each is highly regulated by the State of Illinois.

24 The General Assembly further finds, however, that despite  
25 their shared features each industry is distinct from the  
26 other in that horse racing is and continues to be intimately  
27 tied to Illinois' agricultural economy and is, at its core, a  
28 spectator sport. This distinction requires the General  
29 Assembly to utilize different methods to regulate and promote  
30 the horse racing industry throughout the State.

31 The General Assembly finds that in order to promote live  
32 horse racing as a spectator sport in Illinois and the  
33 agricultural economy of this State, it is necessary to allow

1 electronic gaming at Illinois race tracks as an ancillary use  
2 given the success of other states in increasing live racing  
3 purse accounts and improving the quality of horses  
4 participating in horse race meetings.

5 The General Assembly finds, however, that even though the  
6 authority to conduct electronic gaming is a uniform means to  
7 improve live horse racing in this State, electronic gaming  
8 must be regulated and implemented differently in southern  
9 Illinois versus the Chicago area. The General Assembly finds  
10 that Fairmount Park is the only race track operating on a  
11 year round basis in southern Illinois that offers live racing  
12 and for that matter only conducts live thoroughbred racing.  
13 The General Assembly finds that the current state of affairs  
14 deprives spectators and standardbred horsemen residing in  
15 southern Illinois of the opportunity to participate in live  
16 standardbred racing in a manner similar to spectators,  
17 thoroughbred horsemen, and standardbred horsemen residing in  
18 the Chicago area. The General Assembly declares that southern  
19 Illinois spectators and standardbred horsemen are entitled to  
20 have a similar opportunity to participate in live  
21 standardbred racing as spectators in the Chicago area. The  
22 General Assembly declares that in order to remove the  
23 disparity between southern Illinois and the Chicago area, it  
24 is necessary for the State to regulate Fairmount Park  
25 differently from horse race tracks found in the Chicago area  
26 and tie Fairmount Park's authorization to conduct electronic  
27 gaming to a commitment to conduct at least 100 days of  
28 standardbred racing as set forth in subsection (d) of this  
29 Section.

30 (b) The Illinois Gaming Board shall award one electronic  
31 gaming license to become effective on or after July 1, 2003  
32 to each organization licensee under the Illinois Horse Racing  
33 Act of 1975, subject to application and eligibility  
34 requirements of this Section. An electronic gaming license

1 shall authorize its holder to conduct electronic gaming at  
2 its race track beginning at 9:00 AM on any day in which it  
3 conducts live racing at its race track or simulcast wagering  
4 on races run in the United States until 3:00 AM on the  
5 following day. A license to conduct electronic gaming and any  
6 renewal of an electronic gaming license shall authorize  
7 limited gaming for a period of 4 years.

8 (c) To be eligible to conduct electronic gaming, an  
9 organization licensee must (i) obtain an electronic gaming  
10 license, (ii) hold an organization license under the Illinois  
11 Horse Racing Act of 1975, (iii) hold an inter-track wagering  
12 license, (iv) pay a fee of \$25,000 (\$12,500 in the case of  
13 Fairmount Race Track and Balmoral Race Track) for each gaming  
14 position it is authorized to use when it receives a finding  
15 of preliminary suitability from the Board and an additional  
16 fee of \$25,000 (\$12,500 in the case of Fairmount Race Track  
17 and Balmoral Race Track) for each gaming position it is  
18 authorized to use no later than 12 months after the date it  
19 first conducts electronic gaming, (v) apply for at least the  
20 same number of days of thoroughbred racing or standardbred  
21 racing or both, as the case may be, as it was awarded in  
22 calendar year 2003, (vi) meet the marketing and promotion  
23 requirements as provided in Section 57 of the Illinois Horse  
24 Racing Act of 1975, and (vii) meet all other requirements of  
25 this Act that apply to owners licensees.

26 With respect to the live racing requirement described in  
27 this subsection, an organization licensee must conduct the  
28 same number of days of thoroughbred or standardbred racing or  
29 both, as the case may be, as it was awarded by the Racing  
30 Board in calendar year 2003, unless a lesser schedule of live  
31 racing is the result of (A) weather or unsafe track  
32 conditions due to acts of God, (B) a strike between the  
33 organization licensee and the associations representing the  
34 largest number of owners, trainers, jockeys, or standardbred

1 drivers who race horse at that organization licensee's racing  
2 meeting, or (C) an agreement between the organization  
3 licensee and the associations representing the largest number  
4 of owners, trainers, jockeys, or standardbred drivers who  
5 race horses at that organization licensee's race meeting to  
6 conduct a lesser number of race meets.

7 (d) In addition to the other eligibility requirements of  
8 subsection (c), an organization licensee that holds an  
9 electronic gaming license authorizing it to conduct  
10 electronic gaming at Fairmount Park must apply for and  
11 conduct at least 50 days of standardbred racing in calendar  
12 year 2004 and thereafter, unless a lesser schedule of live  
13 racing is the result of (A) weather or unsafe track  
14 conditions due to acts of God or (B) a strike between the  
15 organization licensee and the associations representing the  
16 largest number of owners, trainers, jockeys, or standardbred  
17 drivers who race horses at that organization licensee's  
18 racing meeting.

19 (e) The Board may approve electronic gaming licenses  
20 authorizing the conduct of electronic gaming by eligible  
21 organization licensees.

22 (f) In calendar year 2003, the Board may approve up to  
23 3,750 aggregate gambling participants statewide as provided  
24 in this Section. The authority to admit participants under  
25 this Section in calendar year 2003 shall be allocated as  
26 follows:

27 (1) The organization licensee operating at  
28 Arlington Park Race Course may admit up to 1,150 gaming  
29 participants at a time;

30 (2) The organization licensees operating at  
31 Hawthorne Race Course, including the organization  
32 licensee formerly operating at Sportsman's Park, may  
33 collectively admit up to 1,000 gaming participants at a  
34 time;

1           (3) The organization licensee operating at Balmoral  
2           Park may admit up to 300 gaming participants at a time;

3           (4) The organization licensee operating at Maywood  
4           Park may admit up to 850 gaming participants at a time;  
5           and

6           (5) The organization licensee operating at  
7           Fairmount Park may admit up to 450 gaming participants at  
8           a time.

9           (g) For each calendar year after 2003 in which an  
10          electronic gaming licensee requests a number of racing days  
11          under its organization license that is less than 90% of the  
12          number of days of live racing it was awarded in 2003, the  
13          electronic gaming licensee may not conduct electronic gaming.

14          (h) On the second anniversary of the issuance or renewal  
15          of an electronic gaming license and upon renewal of an  
16          electronic gaming license, the Gaming Board shall review the  
17          average daily live on-track handle at the race track where  
18          the electronic gaming licensee's electronic gaming facility  
19          is located. If the average daily live on-track handle at that  
20          race track is lower than the average daily live on-track  
21          handle at that race track in calendar year 2003 by at least  
22          10%, the Board shall withdraw 10% of the gaming positions at  
23          that electronic gaming facility.

24          (i) An electronic gaming licensee may conduct  
25          electronic gaming at a temporary facility pending the  
26          construction of a permanent facility or the remodeling of an  
27          existing facility to accommodate electronic gaming  
28          participants for up to 12 months after receiving an  
29          electronic gaming license. Upon request by an electronic  
30          gaming licensee and upon a showing of good cause by the  
31          electronic gaming licensee, the Board shall extend the period  
32          during which the licensee may conduct electronic gaming at a  
33          temporary facility by up to 12 months. The Board shall make  
34          rules concerning the conduct of electronic gaming from

1 temporary facilities.

2 (j) The specific designations made in this Section to  
3 the organization licensees located at Arlington Park Race  
4 Course, Hawthorne Race Course, Sportsman's Park, Balmoral  
5 Park, Maywood Park, and Fairmount Park shall have the same  
6 legal effect as the designations in the Horse Racing Act of  
7 1975 that apply to those organization licensees.

8 (230 ILCS 10/7.5 new)

9 Sec 7.5. Home Rule. The regulation and licensing of  
10 electronic gaming and electronic gaming licensees are  
11 exclusive powers and functions of the State. A home rule  
12 unit may not regulate or license electronic gaming or  
13 electronic gaming licensees. This Section is a denial and  
14 limitation of home rule powers and functions under subsection  
15 (h) of Section 6 of Article VII of the Illinois Constitution.

16 (230 ILCS 10/8) (from Ch. 120, par. 2408)

17 Sec. 8. Suppliers licenses.

18 (a) The Board may issue a suppliers license to such  
19 persons, firms or corporations which apply therefor upon the  
20 payment of a non-refundable application fee set by the Board,  
21 upon a determination by the Board that the applicant is  
22 eligible for a suppliers license and upon payment of a \$5,000  
23 annual license fee.

24 (b) The holder of a suppliers license is authorized to  
25 sell or lease, and to contract to sell or lease, gambling  
26 equipment and supplies to any owners licensee involved in the  
27 ownership or management of riverboat gambling operations and  
28 to any electronic gaming licensee involved in the ownership  
29 or management of an electronic gaming facility.

30 (c) Riverboat gambling and electronic gaming supplies  
31 and equipment may not be distributed unless supplies and  
32 equipment conform to standards adopted by rules of the Board.

1 (d) A person, firm or corporation is ineligible to  
2 receive a suppliers license if:

3 (1) the person has been convicted of a felony under  
4 the laws of this State, any other state, or the United  
5 States;

6 (2) the person has been convicted of any violation  
7 of Article 28 of the Criminal Code of 1961, or  
8 substantially similar laws of any other jurisdiction;

9 (3) the person has submitted an application for a  
10 license under this Act which contains false information;

11 (4) the person is a member of the Board;

12 (5) the firm or corporation is one in which a  
13 person defined in (1), (2), (3) or (4), is an officer,  
14 director or managerial employee;

15 (6) the firm or corporation employs a person who  
16 participates in the management or operation of riverboat  
17 gambling or in the management or operation of electronic  
18 gaming authorized under this Act;

19 (7) the license of the person, firm or corporation  
20 issued under this Act, or a license to own or operate  
21 gambling facilities in any other jurisdiction, has been  
22 revoked.

23 (e) Any person that supplies any equipment, devices, or  
24 supplies to a licensed riverboat gambling operation or  
25 electronic gaming operation must first obtain a suppliers  
26 license. A supplier shall furnish to the Board a list of all  
27 equipment, devices and supplies offered for sale or lease in  
28 connection with gambling games authorized under this Act. A  
29 supplier shall keep books and records for the furnishing of  
30 equipment, devices and supplies to riverboat gambling and  
31 electronic gaming operations separate and distinct from any  
32 other business that the supplier might operate. A supplier  
33 shall file a quarterly return with the Board listing all  
34 sales and leases. A supplier shall permanently affix its name

1 to all its equipment, devices, and supplies for riverboat  
2 gambling and electronic gaming operations. Any supplier's  
3 equipment, devices or supplies which are used by any person  
4 in an unauthorized riverboat gambling or electronic gaming  
5 operation shall be forfeited to the State. A holder of an  
6 owners license or an electronic gaming license licensed-owner  
7 may own its own equipment, devices and supplies. Each holder  
8 of an owners license or an electronic gaming license under  
9 the Act shall file an annual report listing its inventories  
10 of gambling equipment, devices and supplies.

11 (f) Any person who knowingly makes a false statement on  
12 an application is guilty of a Class A misdemeanor.

13 (g) Any gambling equipment, devices and supplies  
14 provided by any licensed supplier may either be repaired on  
15 the riverboat or electronic gaming facility or removed from  
16 the riverboat or electronic gaming facility to a an-on-shore  
17 facility owned by the holder of an owners license or  
18 electronic gaming license for repair.

19 (Source: P.A. 86-1029; 87-826.)

20 (230 ILCS 10/9) (from Ch. 120, par. 2409)

21 Sec. 9. Occupational licenses.

22 (a) The Board may issue an occupational license to an  
23 applicant upon the payment of a non-refundable fee set by the  
24 Board, upon a determination by the Board that the applicant  
25 is eligible for an occupational license and upon payment of  
26 an annual license fee in an amount to be established. To be  
27 eligible for an occupational license, an applicant must:

28 (1) be at least 21 years of age if the applicant  
29 will perform any function involved in gaming by patrons.  
30 Any applicant seeking an occupational license for a  
31 non-gaming function shall be at least 18 years of age;

32 (2) not have been convicted of a felony offense, a  
33 violation of Article 28 of the Criminal Code of 1961, or

1 a similar statute of any other jurisdiction, or a crime  
2 involving dishonesty or moral turpitude;

3 (3) have demonstrated a level of skill or knowledge  
4 which the Board determines to be necessary in order to  
5 operate gambling aboard a riverboat or at an electronic  
6 gaming facility; and

7 (4) have met standards for the holding of an  
8 occupational license as adopted by rules of the Board.  
9 Such rules shall provide that any person or entity  
10 seeking an occupational license to manage gambling  
11 operations hereunder shall be subject to background  
12 inquiries and further requirements similar to those  
13 required of applicants for an owners license.  
14 Furthermore, such rules shall provide that each such  
15 entity shall be permitted to manage gambling operations  
16 for only one licensed owner or electronic gaming  
17 licensee.

18 (b) Each application for an occupational license shall  
19 be on forms prescribed by the Board and shall contain all  
20 information required by the Board. The applicant shall set  
21 forth in the application: whether he has been issued prior  
22 gambling related licenses; whether he has been licensed in  
23 any other state under any other name, and, if so, such name  
24 and his age; and whether or not a permit or license issued to  
25 him in any other state has been suspended, restricted or  
26 revoked, and, if so, for what period of time.

27 (c) Each applicant shall submit with his application, on  
28 forms provided by the Board, 2 sets of his fingerprints. The  
29 Board shall charge each applicant a fee set by the Department  
30 of State Police to defray the costs associated with the  
31 search and classification of fingerprints obtained by the  
32 Board with respect to the applicant's application. These  
33 fees shall be paid into the State Police Services Fund.

34 (d) The Board may in its discretion refuse an

1 occupational license to any person: (1) who is unqualified to  
2 perform the duties required of such applicant; (2) who fails  
3 to disclose or states falsely any information called for in  
4 the application; (3) who has been found guilty of a violation  
5 of this Act or whose prior gambling related license or  
6 application therefor has been suspended, restricted, revoked  
7 or denied for just cause in any other state; or (4) for any  
8 other just cause.

9 (e) The Board may suspend, revoke or restrict any  
10 occupational licensee: (1) for violation of any provision of  
11 this Act; (2) for violation of any of the rules and  
12 regulations of the Board; (3) for any cause which, if known  
13 to the Board, would have disqualified the applicant from  
14 receiving such license; or (4) for default in the payment of  
15 any obligation or debt due to the State of Illinois; or (5)  
16 for any other just cause.

17 (f) A person who knowingly makes a false statement on an  
18 application is guilty of a Class A misdemeanor.

19 (g) Any license issued pursuant to this Section shall be  
20 valid for a period of one year from the date of issuance.

21 (h) Nothing in this Act shall be interpreted to prohibit  
22 a licensed owner or electronic gaming licensee from entering  
23 into an agreement with a school approved under the Private  
24 Business and Vocational Schools Act for the training of any  
25 occupational licensee. Any training offered by such a school  
26 shall be in accordance with a written agreement between the  
27 licensed owner or electronic gaming licensee and the school.

28 (i) Any training provided for occupational licensees may  
29 be conducted either at the site of the gambling facility ~~on~~  
30 ~~the--riverboat~~ or at a school with which a licensed owner or  
31 electronic gaming licensee has entered into an agreement  
32 pursuant to subsection (h).

33 (Source: P.A. 86-1029; 87-826.)

1 (230 ILCS 10/11) (from Ch. 120, par. 2411)

2 Sec. 11. Conduct of gambling. Gambling may be conducted  
3 by licensed owners aboard riverboats. Notwithstanding any  
4 provision in subsection (c) of Section 3 to the contrary, if  
5 authorized by the Board by rule, an owners licensee may move  
6 up to 15% of its slot machines from its riverboats to its  
7 home dock facility and use those slot machines to conduct  
8 gambling, provided that the slot machines are located in an  
9 area that is accessible only to persons who are at least 21  
10 years of age and provided that the admission tax imposed  
11 under Section 12 has been paid for all persons who use those  
12 slot machines. Gambling may be conducted by electronic  
13 gaming licensees at limited gaming facilities. Gambling  
14 authorized under this Section shall be, subject to the  
15 following standards:

16 (1) A licensee may conduct riverboat gambling  
17 authorized under this Act regardless of whether it  
18 conducts excursion cruises. A licensee may permit the  
19 continuous ingress and egress of passengers for the  
20 purpose of gambling.

21 (2) (Blank).

22 (3) Minimum and maximum wagers on games shall be  
23 set by the licensee.

24 (4) Agents of the Board and the Department of State  
25 Police may board and inspect any riverboat or enter and  
26 inspect any portion of an electronic gaming facility  
27 where electronic gaming is conducted at any time for the  
28 purpose of determining whether this Act is being complied  
29 with. Every riverboat, if under way and being hailed by  
30 a law enforcement officer or agent of the Board, must  
31 stop immediately and lay to.

32 (5) Employees of the Board shall have the right to  
33 be present on the riverboat or on adjacent facilities  
34 under the control of the licensee and at the electronic

1 gaming facility under the control of the electronic  
2 gaming licensee.

3 (6) Gambling equipment and supplies customarily  
4 used in conducting riverboat gambling or electronic  
5 gaming must be purchased or leased only from suppliers  
6 licensed for such purpose under this Act.

7 (7) Persons licensed under this Act shall permit no  
8 form of wagering on gambling games except as permitted by  
9 this Act.

10 (8) Wagers may be received only from a person  
11 present on a licensed riverboat or at an electronic  
12 gaming facility. No person present on a licensed  
13 riverboat or at an electronic gaming facility shall place  
14 or attempt to place a wager on behalf of another person  
15 who is not present on the riverboat or at the electronic  
16 gaming facility.

17 (9) Wagering, including electronic gaming, shall  
18 not be conducted with money or other negotiable currency.

19 (10) A person under age 21 shall not be permitted  
20 on an area of a riverboat where gambling is being  
21 conducted or at an electronic gaming facility where  
22 gambling is being conducted, except for a person at least  
23 18 years of age who is an employee of the riverboat  
24 gambling operation or electronic gaming operation. No  
25 employee under age 21 shall perform any function involved  
26 in gambling by the patrons. No person under age 21 shall  
27 be permitted to make a wager under this Act.

28 (11) Gambling excursion cruises are permitted only  
29 when the waterway for which the riverboat is licensed is  
30 navigable, as determined by the Board in consultation  
31 with the U.S. Army Corps of Engineers. This paragraph  
32 (11) does not limit the ability of a licensee to conduct  
33 gambling authorized under this Act when gambling  
34 excursion cruises are not permitted.

1 (12) All tokens, chips or electronic cards used to  
2 make wagers must be purchased (i) from a licensed owner,  
3 in the case of a riverboat, either aboard the a riverboat  
4 or at an onshore facility which has been approved by the  
5 Board and which is located where the riverboat docks or  
6 (ii) from an electronic gaming licensee at the electronic  
7 gaming facility. The tokens, chips or electronic cards  
8 may be purchased by means of an agreement under which the  
9 owner extends credit to the patron. Such tokens, chips  
10 or electronic cards may be used while aboard the  
11 riverboat or at the electronic gaming facility only for  
12 the purpose of making wagers on gambling games.

13 (13) Notwithstanding any other Section of this Act,  
14 in addition to the other licenses authorized under this  
15 Act, the Board may issue special event licenses allowing  
16 persons who are not otherwise licensed to conduct  
17 riverboat gambling to conduct such gambling on a  
18 specified date or series of dates. Riverboat gambling  
19 under such a license may take place on a riverboat not  
20 normally used for riverboat gambling. The Board shall  
21 establish standards, fees and fines for, and limitations  
22 upon, such licenses, which may differ from the standards,  
23 fees, fines and limitations otherwise applicable under  
24 this Act. All such fees shall be deposited into the  
25 State Gaming Fund. All such fines shall be deposited  
26 into the Education Assistance Fund, created by Public Act  
27 86-0018, of the State of Illinois.

28 (14) In addition to the above, gambling must be  
29 conducted in accordance with all rules adopted by the  
30 Board.

31 (Source: P.A. 91-40, eff. 6-25-99.)

32 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

33 Sec. 11.1. Collection of amounts owing under credit

1 agreements. Notwithstanding any applicable statutory  
2 provision to the contrary, a licensed owner or electronic  
3 gaming licensee who extends credit to a riverboat gambling  
4 patron pursuant to Section 11 (a) (12) of this Act is  
5 expressly authorized to institute a cause of action to  
6 collect any amounts due and owing under the extension of  
7 credit, as well as the owner's costs, expenses and reasonable  
8 attorney's fees incurred in collection.

9 (Source: P.A. 86-1029; 86-1389; 87-826.)

10 (230 ILCS 10/12) (from Ch. 120, par. 2412)

11 Sec. 12. Admission tax; fees.

12 (a) A tax is hereby imposed upon admissions to riverboat  
13 gambling facilities authorized pursuant to this Act. Until  
14 July 1, 2002, the rate is \$2 per person admitted. From  
15 Beginning July 1, 2002 until the effective date of this  
16 amendatory Act of the 93rd General Assembly, the rate is \$3  
17 per person admitted. Beginning on the effective date of this  
18 amendatory Act, the rate is \$2 per person for the first  
19 1,500,000 persons admitted by a licensee per year and \$3 per  
20 person for all persons admitted by that licensee in excess of  
21 1,500,000 per year. This admission tax is imposed upon the  
22 licensed owner conducting gambling.

23 (1) The admission tax shall be paid for each  
24 admission.

25 (2) (Blank).

26 (3) The riverboat licensee may issue tax-free  
27 passes to actual and necessary officials and employees of  
28 the licensee or other persons actually working on the  
29 riverboat.

30 (4) The number and issuance of tax-free passes is  
31 subject to the rules of the Board, and a list of all  
32 persons to whom the tax-free passes are issued shall be  
33 filed with the Board.

1 (b) From the tax imposed under subsection (a), a  
2 municipality shall receive from the State \$1 for each person  
3 embarking on a riverboat docked within the municipality, and  
4 a county shall receive \$1 for each person embarking on a  
5 riverboat docked within the county but outside the boundaries  
6 of any municipality. The municipality's or county's share  
7 shall be collected by the Board on behalf of the State and  
8 remitted quarterly by the State, subject to appropriation, to  
9 the treasurer of the unit of local government for deposit in  
10 the general fund.

11 (c) The licensed owner shall pay the entire admission  
12 tax to the Board. Such payments shall be made daily.  
13 Accompanying each payment shall be a return on forms provided  
14 by the Board which shall include other information regarding  
15 admissions as the Board may require. Failure to submit  
16 either the payment or the return within the specified time  
17 may result in suspension or revocation of the owners license.

18 (d) The Board shall administer and collect the admission  
19 tax imposed by this Section, to the extent practicable, in a  
20 manner consistent with the provisions of Sections 4, 5, 5a,  
21 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of  
22 the Retailers' Occupation Tax Act and Section 3-7 of the  
23 Uniform Penalty and Interest Act.

24 (Source: P.A. 91-40, eff. 6-25-99; 92-595, eff. 6-28-02.)

25 (230 ILCS 10/13) (from Ch. 120, par. 2413)

26 Sec. 13. Wagering tax; rate; distribution.

27 (a) Until January 1, 1998, a tax is imposed on the  
28 adjusted gross receipts received from gambling games  
29 authorized under this Act at the rate of 20%.

30 From January 1, 1998 until July 1, 2002, a privilege tax  
31 is imposed on persons engaged in the business of conducting  
32 riverboat gambling operations, based on the adjusted gross  
33 receipts received by a licensed owner from gambling games

1 authorized under this Act at the following rates:

2 15% of annual adjusted gross receipts up to and  
3 including \$25,000,000;

4 20% of annual adjusted gross receipts in excess of  
5 \$25,000,000 but not exceeding \$50,000,000;

6 25% of annual adjusted gross receipts in excess of  
7 \$50,000,000 but not exceeding \$75,000,000;

8 30% of annual adjusted gross receipts in excess of  
9 \$75,000,000 but not exceeding \$100,000,000;

10 35% of annual adjusted gross receipts in excess of  
11 \$100,000,000.

12 From Beginning July 1, 2002 until the effective date of  
13 this amendatory Act of the 93rd General Assembly, a privilege  
14 tax is imposed on persons engaged in the business of  
15 conducting riverboat gambling operations, based on the  
16 adjusted gross receipts received by a licensed owner from  
17 gambling games authorized under this Act at the following  
18 rates:

19 15% of annual adjusted gross receipts up to and  
20 including \$25,000,000;

21 22.5% of annual adjusted gross receipts in excess of  
22 \$25,000,000 but not exceeding \$50,000,000;

23 27.5% of annual adjusted gross receipts in excess of  
24 \$50,000,000 but not exceeding \$75,000,000;

25 32.5% of annual adjusted gross receipts in excess of  
26 \$75,000,000 but not exceeding \$100,000,000;

27 37.5% of annual adjusted gross receipts in excess of  
28 \$100,000,000 but not exceeding \$150,000,000;

29 45% of annual adjusted gross receipts in excess of  
30 \$150,000,000 but not exceeding \$200,000,000;

31 50% of annual adjusted gross receipts in excess of  
32 \$200,000,000.

33 Beginning on the effective date of this amendatory Act of  
34 the 93rd General Assembly, a privilege tax is imposed on

1 persons engaged in the business of conducting riverboat  
2 gambling operations, based on the adjusted gross receipts  
3 received by a licensed owner from gambling games authorized  
4 under this Act, and on persons conducting electronic gaming,  
5 based on the adjusted gross receipts received by an  
6 electronic gaming licensee from electronic gambling, at the  
7 following rates:

8 15% of annual adjusted gross receipts up to and  
9 including \$25,000,000;

10 20% of annual adjusted gross receipts in excess of  
11 \$25,000,000 but not exceeding \$50,000,000;

12 25% of annual adjusted gross receipts in excess of  
13 \$50,000,000 but not exceeding \$75,000,000;

14 30% of annual adjusted gross receipts in excess of  
15 \$75,000,000 but not exceeding \$100,000,000;

16 35% of annual adjusted gross receipts in excess of  
17 \$100,000,000 but not exceeding \$400,000,000;

18 40% of annual adjusted gross receipts in excess of  
19 \$400,000,000 but not exceeding \$450,000,000;

20 45% of annual adjusted gross receipts in excess of  
21 \$450,000,000 but not exceeding \$500,000,000;

22 50% of annual adjusted gross receipts in excess of  
23 \$500,000,000.

24 For the purpose of calculating the privilege tax under  
25 this subsection (a), the annual adjusted gross receipts of an  
26 owners licensee for any year shall be reduced by an amount  
27 equal to the amount of any payment made by the owners  
28 licensee in that year to (i) an Illinois not-for-profit  
29 organization, pursuant to an agreement, funded solely by a  
30 licensed owner for the primary benefit of educational,  
31 economic development, or environmental programs within this  
32 State or (ii) a county government, pursuant to an agreement  
33 between a licensed owner and a county government. In no  
34 event shall a reduction in the wagering tax imposed under

1 this Section reduce the taxes owed by a licensee under this  
2 Section to less than zero.

3 The taxes imposed by this Section shall be paid by the  
4 licensed owner or electronic gaming licensee to the Board not  
5 later than 3:00 o'clock p.m. of the day after the day when  
6 the wagers were made.

7 (b) Until January 1, 1998, 25% of the tax revenue  
8 deposited in the State Gaming Fund under this Section shall  
9 be paid, subject to appropriation by the General Assembly, to  
10 the unit of local government which is designated as the home  
11 dock of the riverboat. Except as otherwise provided in this  
12 subsection (b), beginning January 1, 1998, from the tax  
13 revenue from riverboat gambling deposited in the State Gaming  
14 Fund under this Section, an amount equal to 5% of adjusted  
15 gross receipts generated by a riverboat shall be paid  
16 monthly, subject to appropriation by the General Assembly, to  
17 the unit of local government that is designated as the home  
18 dock of the riverboat.

19 For calendar year 2003 and each year thereafter, if the  
20 adjusted gross receipts of a riverboat from riverboat  
21 gambling are greater than they were in calendar year 2002,  
22 the amount paid to the unit of local government under this  
23 subsection (b) shall not exceed that amount paid in calendar  
24 year 2002. For calendar year 2003 and each year thereafter,  
25 if the adjusted gross receipts of a riverboat from riverboat  
26 gambling are greater than they were in calendar year 2002,  
27 then the difference between 5% of those adjusted gross  
28 receipts and the amount paid under this subsection (b) to the  
29 unit of local government that is designated as the home dock  
30 of the riverboat in calendar year 2002 shall be paid as  
31 follows:

32 25% shall be paid, subject to appropriation by the  
33 General Assembly, to the county in which the licensee's  
34 home dock is located; and

1           75% shall be paid, subject to appropriation by the  
2           General Assembly, into the Local Government Riverboat  
3           Gaming Distributive Fund pursuant to Section 13.3.

4           (b-5) Beginning on the effective date of this amendatory  
5           Act of the 93rd General Assembly, after the payments required  
6           under subsection (b) have been made, from the tax revenue  
7           from electronic gaming deposited into the State Gaming Fund  
8           under this Section, an amount equal to 1% of the adjusted  
9           gross receipts generated by each electronic gaming licensee  
10           shall be paid monthly, subject to appropriation, to the  
11           municipality in which the electronic gaming facility is  
12           located. If an electronic gaming facility is not located  
13           within a municipality, then an amount equal to 1% of the  
14           adjusted gross receipts generated by the electronic gaming  
15           licensee shall be paid monthly, subject to appropriation, to  
16           the county in which the electronic gaming facility is  
17           located.

18           (b-10) Beginning on the effective date of this  
19           amendatory Act of the 93rd General Assembly, after the  
20           payments required under subsections (b) and (b-5) have been  
21           made, from the tax revenue deposited into the State Gaming  
22           Fund under this Section, \$25,000,000 shall be paid each year,  
23           in equal monthly installments, subject to appropriation, into  
24           the Intercity Development Fund.

25           (b-15) Beginning on the effective date of this  
26           amendatory Act of the 93rd General Assembly, after the  
27           payments required under subsections (b), (b-5), and (b-10)  
28           have been made, the first \$5,000,000 of tax revenue derived  
29           from electronic gaming shall be paid to the Board and  
30           distributed by the Board to the Department of Human Services  
31           to be used for compulsive gambling programs.

32           (c) Appropriations, as approved by the General Assembly,  
33           may be made from the State Gaming Fund to the Department of  
34           Revenue and the Department of State Police for the

1 administration and enforcement of this Act.

2 (c-5) (Blank). After the payments required under  
3 subsections (b) and (c) have been made, an amount equal to  
4 15% of the adjusted gross receipts of a riverboat (1) that  
5 relocates pursuant to Section 11.2, or (2) for which an  
6 owners license is initially issued after the effective date  
7 of this amendatory Act of 1999, whichever comes first, shall  
8 be paid from the State Gaming Fund into the Horse Racing  
9 Equity Fund.

10 (c-10) (Blank). Each year the General Assembly shall  
11 appropriate from the General Revenue Fund to the Education  
12 Assistance Fund an amount equal to the amount paid into the  
13 Horse Racing Equity Fund pursuant to subsection (c-5) in the  
14 prior calendar year.

15 (c-15) After the payments required under subsections  
16 (b), (b-5), (b-10), (b-15), and (c) and (c-5) have been  
17 made, an amount equal to 2% of the adjusted gross receipts of  
18 a riverboat (1) that relocates pursuant to Section 11.2, or  
19 (2) for which an owners license is initially issued after the  
20 effective date of this amendatory Act of 1999, whichever  
21 comes first, shall be paid, subject to appropriation from the  
22 General Assembly, from the State Gaming Fund to each home  
23 rule county with a population of over 3,000,000 inhabitants  
24 for the purpose of enhancing the county's criminal justice  
25 system.

26 (c-20) Each year the General Assembly shall appropriate  
27 from the General Revenue Fund to the Education Assistance  
28 Fund an amount equal to the amount paid to each home rule  
29 county with a population of over 3,000,000 inhabitants  
30 pursuant to subsection (c-15) in the prior calendar year.

31 (c-25) After the payments required under subsections  
32 (b), (b-5), (b-10), (b-15), (c), (c-5) and (c-15) have been  
33 made, an amount equal to 2% of the adjusted gross receipts of  
34 a riverboat (1) that relocates pursuant to Section 11.2, or

1 (2) for which an owners license is initially issued after the  
2 effective date of this amendatory Act of 1999, whichever  
3 comes first, shall be paid from the State Gaming Fund into  
4 the State Universities Athletic Capital Improvement Fund.

5 (d) From time to time, the Board shall transfer the  
6 remainder of the funds generated by this Act into the  
7 Education Assistance Fund, created by Public Act 86-0018, of  
8 the State of Illinois.

9 (e) Nothing in this Act shall prohibit the unit of local  
10 government designated as the home dock of the riverboat from  
11 entering into agreements with other units of local government  
12 in this State or in other states to share its portion of the  
13 tax revenue.

14 (f) To the extent practicable, the Board shall  
15 administer and collect the wagering taxes imposed by this  
16 Section in a manner consistent with the provisions of  
17 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b,  
18 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and  
19 Section 3-7 of the Uniform Penalty and Interest Act.

20 (Source: P.A. 91-40, eff. 6-25-99; 92-595, eff. 6-28-02.)

21 (230 ILCS 10/13.2 new)

22 Sec. 13.2. Licensee assessment. All owners licensees  
23 licensed to conduct riverboat gambling operations on the  
24 effective date of this amendatory Act of the 93rd General  
25 Assembly shall be required to pay an aggregate amount of  
26 \$130,000,000 to the Gaming Board by July 1, 2003. The Board  
27 shall deposit all moneys received under this Section into the  
28 State Gaming Fund. Each owners licensee shall pay a pro rata  
29 share based on its adjusted gross receipts from calendar year  
30 2002 as determined by the Board.

31 (230 ILCS 10/13.3 new)

32 Sec. 13.3. Revenue sharing; Local Government Riverboat

1 Gaming Distributive Fund.

2 (a) Beginning July 1, 2003, as soon as may be after the  
3 first day of each month, the Board shall certify to the  
4 Treasurer the amount deposited during the preceding month  
5 into the Local Government Riverboat Gaming Distributive Fund,  
6 which is hereby created as a special fund in the State  
7 Treasury. The Department of Revenue shall administer the  
8 Fund and allocate moneys from the Fund to the counties of  
9 this State as provided in this Section.

10 (b) As soon as may be after the first day of each month,  
11 the Department of Revenue shall allocate among the counties  
12 of this State the moneys contained in the Local Government  
13 Riverboat Gaming Distributive Fund. The Department shall  
14 certify the allocations to the State Comptroller, who shall  
15 pay over to each county the respective amounts allocated to  
16 them. The amount of such funds allocable to each county  
17 shall be in proportion to the number of individual residents  
18 of the county to the total population of all counties as  
19 determined by the latest federal census of the county.

20 (c) The amounts allocated and paid to a county pursuant  
21 to the provisions of this Section may be used for any general  
22 corporate purpose authorized for that county.

23 (230 ILCS 10/14) (from Ch. 120, par. 2414)

24 Sec. 14. Licensees - Records - Reports - Supervision.

25 (a) A Licensed owners and electronic gaming licensees  
26 owner shall keep their his books and records so as to clearly  
27 show the following:

- 28 (1) The amount received daily from admission fees.
- 29 (2) The total amount of gross receipts.
- 30 (3) The total amount of the adjusted gross receipts.

31 (b) The Licensed owners and electronic gaming licensees  
32 owner shall furnish to the Board reports and information as  
33 the Board may require with respect to its activities on forms

1 designed and supplied for such purpose by the Board.

2 (c) The books and records kept by a licensed owner or  
3 electronic gaming licensee as provided by this Section are  
4 public records and the examination, publication, and  
5 dissemination of the books and records are governed by the  
6 provisions of The Freedom of Information Act.

7 (Source: P.A. 86-1029.)

8 (230 ILCS 10/18) (from Ch. 120, par. 2418)

9 Sec. 18. Prohibited Activities - Penalty.

10 (a) A person is guilty of a Class A misdemeanor for  
11 doing any of the following:

12 (1) Conducting gambling where wagering is used or  
13 to be used without a license issued by the Board.

14 (2) Conducting gambling where wagering is permitted  
15 other than in the manner specified by Section 11.

16 (b) A person is guilty of a Class B misdemeanor for  
17 doing any of the following:

18 (1) permitting a person under 21 years to make a  
19 wager; or

20 (2) violating paragraph (12) of subsection (a) of  
21 Section 11 of this Act.

22 (c) A person wagering or accepting a wager at any  
23 location outside the riverboat or electronic gaming facility  
24 in violation of paragraph ~~is--subject--to--the--penalties--in~~  
25 ~~paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of  
26 the Criminal Code of 1961 is subject to the penalties  
27 provided in that Section.

28 (d) A person commits a Class 4 felony and, in addition,  
29 shall be barred for life from gambling operations ~~riverboats~~  
30 under the jurisdiction of the Board, if the person does any  
31 of the following:

32 (1) Offers, promises, or gives anything of value or  
33 benefit to a person who is connected with a riverboat

1 owner or electronic gaming licensee including, but not  
2 limited to, an officer or employee of a licensed owner or  
3 electronic gaming licensee or holder of an occupational  
4 license pursuant to an agreement or arrangement or with  
5 the intent that the promise or thing of value or benefit  
6 will influence the actions of the person to whom the  
7 offer, promise, or gift was made in order to affect or  
8 attempt to affect the outcome of a gambling game, or to  
9 influence official action of a member of the Board.

10 (2) Solicits or knowingly accepts or receives a  
11 promise of anything of value or benefit while the person  
12 is connected with a riverboat or electronic gaming  
13 facility, including, but not limited to, an officer or  
14 employee of a licensed owner or electronic gaming  
15 licensee, or the holder of an occupational license,  
16 pursuant to an understanding or arrangement or with the  
17 intent that the promise or thing of value or benefit will  
18 influence the actions of the person to affect or attempt  
19 to affect the outcome of a gambling game, or to influence  
20 official action of a member of the Board.

21 (3) Uses or possesses with the intent to use a  
22 device to assist:

23 (i) In projecting the outcome of the game.

24 (ii) In keeping track of the cards played.

25 (iii) In analyzing the probability of the  
26 occurrence of an event relating to the gambling  
27 game.

28 (iv) In analyzing the strategy for playing or  
29 betting to be used in the game except as permitted  
30 by the Board.

31 (4) Cheats at a gambling game.

32 (5) Manufactures, sells, or distributes any cards,  
33 chips, dice, game or device which is intended to be used  
34 to violate any provision of this Act.

1 (6) Alters or misrepresents the outcome of a  
2 gambling game on which wagers have been made after the  
3 outcome is made sure but before it is revealed to the  
4 players.

5 (7) Places a bet after acquiring knowledge, not  
6 available to all players, of the outcome of the gambling  
7 game which is subject of the bet or to aid a person in  
8 acquiring the knowledge for the purpose of placing a bet  
9 contingent on that outcome.

10 (8) Claims, collects, or takes, or attempts to  
11 claim, collect, or take, money or anything of value in or  
12 from the gambling games, with intent to defraud, without  
13 having made a wager contingent on winning a gambling  
14 game, or claims, collects, or takes an amount of money or  
15 thing of value of greater value than the amount won.

16 (9) Uses counterfeit chips or tokens in a gambling  
17 game.

18 (10) Possesses any key or device designed for the  
19 purpose of opening, entering, or affecting the operation  
20 of a gambling game, drop box, or an electronic or  
21 mechanical device connected with the gambling game or for  
22 removing coins, tokens, chips or other contents of a  
23 gambling game. This paragraph (10) does not apply to a  
24 gambling licensee or employee of a gambling licensee  
25 acting in furtherance of the employee's employment.

26 (e) The possession of more than one of the devices  
27 described in subsection (d), paragraphs (3), (5) or (10)  
28 permits a rebuttable presumption that the possessor intended  
29 to use the devices for cheating.

30 An action to prosecute any crime occurring on a riverboat  
31 shall be tried in the county of the dock at which the  
32 riverboat is based.

33 (Source: P.A. 91-40, eff. 6-25-99.)

1 (230 ILCS 10/19) (from Ch. 120, par. 2419)

2 Sec. 19. Forfeiture of property.

3 (a) Except as provided in subsection (b), any riverboat  
4 or electronic gaming facility used for the conduct of  
5 gambling games in violation of this Act shall be considered a  
6 gambling place in violation of Section 28-3 of the Criminal  
7 Code of 1961, as now or hereafter amended. Every gambling  
8 device found on a riverboat or at an electronic gaming  
9 facility operating gambling games in violation of this Act  
10 and every slot machine found at an electronic gaming facility  
11 operating gambling games in violation of this Act shall be  
12 subject to seizure, confiscation and destruction as provided  
13 in Section 28-5 of the Criminal Code of 1961, as now or  
14 hereafter amended.

15 (b) It is not a violation of this Act for a riverboat or  
16 other watercraft which is licensed for gaming by a contiguous  
17 state to dock on the shores of this State if the municipality  
18 having jurisdiction of the shores, or the county in the case  
19 of unincorporated areas, has granted permission for docking  
20 and no gaming is conducted on the riverboat or other  
21 watercraft while it is docked on the shores of this State. No  
22 gambling device shall be subject to seizure, confiscation or  
23 destruction if the gambling device is located on a riverboat  
24 or other watercraft which is licensed for gaming by a  
25 contiguous state and which is docked on the shores of this  
26 State if the municipality having jurisdiction of the shores,  
27 or the county in the case of unincorporated areas, has  
28 granted permission for docking and no gaming is conducted on  
29 the riverboat or other watercraft while it is docked on the  
30 shores of this State.

31 (Source: P.A. 86-1029.)

32 (230 ILCS 10/20) (from Ch. 120, par. 2420)

33 Sec. 20. Prohibited activities - civil penalties. Any

1 person who conducts a gambling operation without first  
2 obtaining a license to do so, or who continues to conduct  
3 such games after revocation of his license, or any licensee  
4 who conducts or allows to be conducted any unauthorized  
5 gambling games on a riverboat or at an electronic gaming  
6 facility where it is authorized to conduct its ~~riverboat~~  
7 gambling operation, in addition to other penalties provided,  
8 shall be subject to a civil penalty equal to the amount of  
9 gross receipts derived from wagering on the gambling games,  
10 whether unauthorized or authorized, conducted on that day as  
11 well as confiscation and forfeiture of all gambling game  
12 equipment used in the conduct of unauthorized gambling games.  
13 (Source: P.A. 86-1029.)

14 Section 85. The Illinois Pull Tabs and Jar Games Act is  
15 amended by changing Sections 1.1, 4, and 5 as follows:

16 (230 ILCS 20/1.1) (from Ch. 120, par. 1051.1)

17 Sec. 1.1. Definitions. As used in this Act:

18 "Pull tabs" and "jar games" means a game using  
19 single-folded or banded tickets or a card, the face of which  
20 is initially covered or otherwise hidden from view in order  
21 to conceal a number, symbol or set of symbols, some of which  
22 are winners. Players with winning tickets receive a prize  
23 stated on a promotional display or "flare". Pull tabs also  
24 means a game in which prizes are won by pulling a tab from a  
25 board thereby revealing a number which corresponds to the  
26 number for a given prize.

27 Except in the case of bingo event games, each winning  
28 pull tab or slip shall be predetermined. The right to  
29 participate in such games shall not cost more than \$2.  
30 Except for prizes awarded as part of a progressive game, no  
31 single prize shall exceed \$500. There shall be no more than  
32 6,000 tickets in a game.

1 "Pull tabs and jar games", as used in this Act, does not  
2 include the following: numbers, policy, bolita or similar  
3 games, dice, slot machines, bookmaking and wagering pools  
4 with respect to a sporting event, or that game commonly known  
5 as punch boards, or any other game or activity not expressly  
6 defined in this Section.

7 "Organization" means a corporation, agency, partnership,  
8 association, firm or other entity consisting of 2 or more  
9 persons joined by a common interest or purpose.

10 "Non-profit organization" means an organization or  
11 institution organized and conducted on a not-for-profit basis  
12 with no personal profit inuring to anyone as a result of the  
13 operation.

14 "Charitable organization" means an organization or  
15 institution organized and operated to benefit an indefinite  
16 number of the public.

17 "Educational organization" means an organization or  
18 institution organized and operated to provide systematic  
19 instruction in useful branches of learning by methods common  
20 to schools and institutions of learning which compare  
21 favorably in their scope and intensity with the course of  
22 study presented in tax-supported schools.

23 "Religious organization" means any church, congregation,  
24 society, or organization founded for the purpose of religious  
25 worship.

26 "Fraternal organization" means an organization of  
27 persons, including but not limited to ethnic organizations,  
28 having a common interest, organized and operated exclusively  
29 to promote the welfare of its members and to benefit the  
30 general public on a continuing and consistent basis.

31 "Veterans' organization" means an organization comprised  
32 of members of which substantially all are individuals who are  
33 veterans or spouses, widows, or widowers of veterans, the  
34 primary purpose of which is to promote the welfare of its

1 members and to provide assistance to the general public in  
2 such a way as to confer a public benefit.

3 "Labor organization" means an organization composed of  
4 labor unions or workers organized with the objective of  
5 betterment of the conditions of those engaged in such pursuit  
6 and the development of a higher degree of efficiency in their  
7 respective occupations.

8 "Youth athletic organization" means an organization  
9 having as its exclusive purpose the promotion and provision  
10 of athletic activities for youth aged 18 and under.

11 "Senior citizens organization" means an organization or  
12 association comprised of members of which substantially all  
13 are individuals who are senior citizens, as defined in the  
14 Illinois Act on the Aging, the primary purpose of which is to  
15 promote the welfare of its members.

16 "Progressive game" means a pull tab game that has a  
17 portion of its predetermined prize payout designated to a  
18 progressive jackpot that, if not won, is carried forward and  
19 added to the jackpot of subsequent games until won.

20 "Bingo event game" means a pull tab game played with pull  
21 tab tickets where the winner has not been designated in  
22 advance by the manufacturer, but is determined by chance.

23 (Source: P.A. 90-536, eff. 1-1-98.)

24 (230 ILCS 20/4) (from Ch. 120, par. 1054)

25 Sec. 4. The conducting of pull tabs and jar games is  
26 subject to the following restrictions:

27 (1) The entire net proceeds of any pull tabs or jar  
28 games, except as otherwise approved in this Act, must be  
29 exclusively devoted to the lawful purposes of the  
30 organization permitted to conduct such drawings.

31 (2) No person except a bona fide member or employee of  
32 the sponsoring organization may participate in the management  
33 or operation of such pull tabs or jar games; however, nothing

1 herein shall conflict with pull tabs and jar games conducted  
2 under the provisions of the Charitable Games Act.

3 (3) No person may receive any remuneration or profit for  
4 participating in the management or operation of such pull  
5 tabs or jar games; however, nothing herein shall conflict  
6 with pull tabs and jar games conducted under the provisions  
7 of the Charitable Games Act.

8 (4) The price paid for a single chance or right to  
9 participate in a game licensed under this Act shall not  
10 exceed \$2. ~~The aggregate value of all prizes or merchandise~~  
11 ~~awarded in any single day of pull tabs and jar games shall~~  
12 ~~not exceed \$5,000, except that in adjoining counties having~~  
13 ~~200,000 to 275,000 inhabitants each, and in counties which~~  
14 ~~are adjacent to either of such adjoining counties and are~~  
15 ~~adjacent to total of not more than 2 counties in this State,~~  
16 ~~the value of all prizes or merchandise awarded may not exceed~~  
17 ~~\$5,000 in a single day.~~

18 (5) No person under the age of 18 years shall play or  
19 participate in games under this Act. A person under the age  
20 of 18 years may be within the area where pull tabs and jar  
21 games are being conducted only when accompanied by his parent  
22 or guardian.

23 (6) Pull tabs and jar games shall be conducted only on  
24 premises owned or occupied by licensed organizations and used  
25 by its members for general activities, or on premises owned  
26 or rented for conducting the game of bingo, or as permitted  
27 in subsection (4) of Section 3.

28 (Source: P.A. 90-536, eff. 1-1-98; 90-808, eff. 12-1-98.)

29 (230 ILCS 20/5) (from Ch. 120, par. 1055)

30 Sec. 5. There shall be paid to the Department of Revenue  
31 5% of the gross proceeds of any pull tabs and jar games  
32 conducted under this Act. Such payments shall be made 4  
33 times per year, between the first and the 20th day of April,

1 July, October and January. Payment must be made by money  
2 order or certified check. Accompanying each payment shall be  
3 a report, on forms provided by the Department of Revenue,  
4 listing the number of drawings conducted, the gross income  
5 derived therefrom and such other information as the  
6 Department of Revenue may require. Failure to submit either  
7 the payment or the report within the specified time shall  
8 result in automatic revocation of the license. All payments  
9 made to the Department of Revenue under this Act shall be  
10 deposited as follows:

11 (a) 50% shall be deposited in the Common School Fund;  
12 and

13 (b) 50% shall be deposited in the Illinois Gaming Law  
14 Enforcement Fund. Of the monies deposited in the Illinois  
15 Gaming Law Enforcement Fund under this Section, the General  
16 Assembly shall appropriate two-thirds to the Department of  
17 Revenue, Department of State Police and the Office of the  
18 Attorney General for State law enforcement purposes, and  
19 one-third shall be appropriated to the Department of Revenue  
20 for the purpose of distribution in the form of grants to  
21 counties or municipalities for law enforcement purposes. The  
22 amounts of grants to counties or municipalities shall bear  
23 the same ratio as the number of licenses issued in counties  
24 or municipalities bears to the total number of licenses  
25 issued in the State. In computing the number of licenses  
26 issued in a county, licenses issued for locations within a  
27 municipality's boundaries shall be excluded.

28 The Department of Revenue shall license suppliers and  
29 manufacturers of pull tabs and jar games at an annual fee of  
30 \$5,000. Suppliers and manufacturers shall meet the  
31 requirements and qualifications established by rule by the  
32 Department. Licensed manufacturers shall sell pull tabs and  
33 jar games only to licensed suppliers. Licensed suppliers  
34 shall buy pull tabs and jar games only from licensed

1 manufacturers and shall sell pull tabs and jar games only to  
2 licensed organizations. Licensed organizations shall buy pull  
3 tabs and jar games only from licensed suppliers.

4 The Department of Revenue shall adopt by rule minimum  
5 quality production standards for pull tabs and jar games. In  
6 determining such standards, the Department shall consider the  
7 standards adopted by the National Association of Gambling  
8 Regulatory Agencies and the National Association of  
9 Fundraising Ticket Manufacturers. ~~Such--standards--shall  
10 include-the-name-of-the-supplier-which-shall-appear-in--plain  
11 view-to-the-casual-observer-on-the-face-side-of-each-pull-tab  
12 ticket--and--on--each--jar--game-ticket.~~ The pull tab ticket  
13 shall contain the name of the game, the selling price of the  
14 ticket, the amount of the prize and the serial number of the  
15 ticket. The back side of a pull tab ticket shall contain a  
16 series of perforated tabs marked-"open-here". The logo of  
17 the manufacturer shall be clearly visible on each jar game  
18 ticket.

19 The Department of Revenue shall adopt rules necessary to  
20 provide for the proper accounting and control of activities  
21 under this Act, to ensure that the proper taxes are paid,  
22 that the proceeds from the activities under this Act are used  
23 lawfully, and to prevent illegal activity associated with the  
24 use of pull tabs and jar games.

25 The provisions of Section 2a of the Retailers' Occupation  
26 Tax Act pertaining to the furnishing of a bond or other  
27 security are incorporated by reference into this Act and are  
28 applicable to licensees under this Act as a precondition of  
29 obtaining a license under this Act. The provisions of  
30 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6, 6a,  
31 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax  
32 Act, and Section 3-7 of the Uniform Penalty and Interest Act,  
33 which are not inconsistent with this Act shall apply, as far  
34 as practicable, to the subject matter of this Act to the same

1 extent as if such provisions were included in this Act. For  
2 the purposes of this Act, references in such incorporated  
3 Sections of the Retailers' Occupation Tax Act to retailers,  
4 sellers or persons engaged in the business of selling  
5 tangible personal property means persons engaged in  
6 conducting pull tabs and jar games and references in such  
7 incorporated Sections of the Retailers' Occupation Tax Act to  
8 sales of tangible personal property mean the conducting of  
9 pull tabs and jar games and the making of charges for  
10 participating in such drawings.

11 (Source: P.A. 87-205; 87-895.)

12 Section 90. The Criminal Code of 1961 is amended by  
13 changing Sections 28-1, 28-5 and 28-7 as follows:

14 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

15 Sec. 28-1. Gambling.

16 (a) A person commits gambling when he:

17 (1) Plays a game of chance or skill for money or  
18 other thing of value, unless excepted in subsection (b)  
19 of this Section; or

20 (2) Makes a wager upon the result of any game,  
21 contest, or any political nomination, appointment or  
22 election; or

23 (3) Operates, keeps, owns, uses, purchases,  
24 exhibits, rents, sells, bargains for the sale or lease  
25 of, manufactures or distributes any gambling device; or

26 (4) Contracts to have or give himself or another  
27 the option to buy or sell, or contracts to buy or sell,  
28 at a future time, any grain or other commodity  
29 whatsoever, or any stock or security of any company,  
30 where it is at the time of making such contract intended  
31 by both parties thereto that the contract to buy or sell,  
32 or the option, whenever exercised, or the contract

1 resulting therefrom, shall be settled, not by the receipt  
2 or delivery of such property, but by the payment only of  
3 differences in prices thereof; however, the issuance,  
4 purchase, sale, exercise, endorsement or guarantee, by or  
5 through a person registered with the Secretary of State  
6 pursuant to Section 8 of the Illinois Securities Law of  
7 1953, or by or through a person exempt from such  
8 registration under said Section 8, of a put, call, or  
9 other option to buy or sell securities which have been  
10 registered with the Secretary of State or which are  
11 exempt from such registration under Section 3 of the  
12 Illinois Securities Law of 1953 is not gambling within  
13 the meaning of this paragraph (4); or

14 (5) Knowingly owns or possesses any book,  
15 instrument or apparatus by means of which bets or wagers  
16 have been, or are, recorded or registered, or knowingly  
17 possesses any money which he has received in the course  
18 of a bet or wager; or

19 (6) Sells pools upon the result of any game or  
20 contest of skill or chance, political nomination,  
21 appointment or election; or

22 (7) Sets up or promotes any lottery or sells,  
23 offers to sell or transfers any ticket or share for any  
24 lottery; or

25 (8) Sets up or promotes any policy game or sells,  
26 offers to sell or knowingly possesses or transfers any  
27 policy ticket, slip, record, document or other similar  
28 device; or

29 (9) Knowingly drafts, prints or publishes any  
30 lottery ticket or share, or any policy ticket, slip,  
31 record, document or similar device, except for such  
32 activity related to lotteries, bingo games and raffles  
33 authorized by and conducted in accordance with the laws  
34 of Illinois or any other state or foreign government; or

1 (10) Knowingly advertises any lottery or policy  
2 game, except for such activity related to lotteries,  
3 bingo games and raffles authorized by and conducted in  
4 accordance with the laws of Illinois or any other state;  
5 or

6 (11) Knowingly transmits information as to wagers,  
7 betting odds, or changes in betting odds by telephone,  
8 telegraph, radio, semaphore or similar means; or  
9 knowingly installs or maintains equipment for the  
10 transmission or receipt of such information; except that  
11 nothing in this subdivision (11) prohibits transmission  
12 or receipt of such information for use in news reporting  
13 of sporting events or contests; or

14 (12) Knowingly establishes, maintains, or operates  
15 an Internet site that permits a person to play a game of  
16 chance or skill for money or other thing of value by  
17 means of the Internet or to make a wager upon the result  
18 of any game, contest, political nomination, appointment,  
19 or election by means of the Internet.

20 (b) Participants in any of the following activities  
21 shall not be convicted of gambling therefor:

22 (1) Agreements to compensate for loss caused by the  
23 happening of chance including without limitation  
24 contracts of indemnity or guaranty and life or health or  
25 accident insurance;

26 (2) Offers of prizes, award or compensation to the  
27 actual contestants in any bona fide contest for the  
28 determination of skill, speed, strength or endurance or  
29 to the owners of animals or vehicles entered in such  
30 contest;

31 (3) Pari-mutuel betting as authorized by the law of  
32 this State;

33 (4) Manufacture of gambling devices, including the  
34 acquisition of essential parts therefor and the assembly

1       thereof, for transportation in interstate or foreign  
2       commerce to any place outside this State when such  
3       transportation is not prohibited by any applicable  
4       Federal law;

5               (5) The game commonly known as "bingo", when  
6       conducted in accordance with the Bingo License and Tax  
7       Act;

8               (6) Lotteries when conducted by the State of  
9       Illinois in accordance with the Illinois Lottery Law;

10              (7) Possession of an antique slot machine that is  
11       neither used nor intended to be used in the operation or  
12       promotion of any unlawful gambling activity or  
13       enterprise. For the purpose of this subparagraph (b)(7),  
14       an antique slot machine is one manufactured 25 years ago  
15       or earlier;

16              (8) Raffles when conducted in accordance with the  
17       Raffles Act;

18              (9) Charitable games when conducted in accordance  
19       with the Charitable Games Act;

20              (10) Pull tabs and jar games when conducted under  
21       the Illinois Pull Tabs and Jar Games Act; or

22              (11) Gambling games ~~conducted--on--riverboats~~ when  
23       authorized by the Riverboat Gambling Act.

24       (c) Sentence.

25       Gambling under subsection (a)(1) or (a)(2) of this  
26       Section is a Class A misdemeanor. Gambling under any of  
27       subsections (a)(3) through (a)(11) of this Section is a Class  
28       A misdemeanor. A second or subsequent conviction under any  
29       of subsections (a)(3) through (a)(11), is a Class 4 felony.  
30       Gambling under subsection (a)(12) of this Section is a Class  
31       A misdemeanor. A second or subsequent conviction under  
32       subsection (a)(12) is a Class 4 felony.

33       (d) Circumstantial evidence.

34       In prosecutions under subsection (a)(1) through (a)(12)

1 of this Section circumstantial evidence shall have the same  
2 validity and weight as in any criminal prosecution.

3 (Source: P.A. 91-257, eff. 1-1-00.)

4 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

5 Sec. 28-5. Seizure of gambling devices and gambling  
6 funds.

7 (a) Every device designed for gambling which is  
8 incapable of lawful use or every device used unlawfully for  
9 gambling shall be considered a "gambling device", and shall  
10 be subject to seizure, confiscation and destruction by the  
11 Department of State Police or by any municipal, or other  
12 local authority, within whose jurisdiction the same may be  
13 found. As used in this Section, a "gambling device" includes  
14 any slot machine, and includes any machine or device  
15 constructed for the reception of money or other thing of  
16 value and so constructed as to return, or to cause someone to  
17 return, on chance to the player thereof money, property or a  
18 right to receive money or property. With the exception of  
19 any device designed for gambling which is incapable of lawful  
20 use, no gambling device shall be forfeited or destroyed  
21 unless an individual with a property interest in said device  
22 knows of the unlawful use of the device.

23 (b) Every gambling device shall be seized and forfeited  
24 to the county wherein such seizure occurs. Any money or  
25 other thing of value integrally related to acts of gambling  
26 shall be seized and forfeited to the county wherein such  
27 seizure occurs.

28 (c) If, within 60 days after any seizure pursuant to  
29 subparagraph (b) of this Section, a person having any  
30 property interest in the seized property is charged with an  
31 offense, the court which renders judgment upon such charge  
32 shall, within 30 days after such judgment, conduct a  
33 forfeiture hearing to determine whether such property was a

1 gambling device at the time of seizure. Such hearing shall  
2 be commenced by a written petition by the State, including  
3 material allegations of fact, the name and address of every  
4 person determined by the State to have any property interest  
5 in the seized property, a representation that written notice  
6 of the date, time and place of such hearing has been mailed  
7 to every such person by certified mail at least 10 days  
8 before such date, and a request for forfeiture. Every such  
9 person may appear as a party and present evidence at such  
10 hearing. The quantum of proof required shall be a  
11 preponderance of the evidence, and the burden of proof shall  
12 be on the State. If the court determines that the seized  
13 property was a gambling device at the time of seizure, an  
14 order of forfeiture and disposition of the seized property  
15 shall be entered: a gambling device shall be received by the  
16 State's Attorney, who shall effect its destruction, except  
17 that valuable parts thereof may be liquidated and the  
18 resultant money shall be deposited in the general fund of the  
19 county wherein such seizure occurred; money and other things  
20 of value shall be received by the State's Attorney and, upon  
21 liquidation, shall be deposited in the general fund of the  
22 county wherein such seizure occurred. However, in the event  
23 that a defendant raises the defense that the seized slot  
24 machine is an antique slot machine described in subparagraph  
25 (b) (7) of Section 28-1 of this Code and therefore he is  
26 exempt from the charge of a gambling activity participant,  
27 the seized antique slot machine shall not be destroyed or  
28 otherwise altered until a final determination is made by the  
29 Court as to whether it is such an antique slot machine. Upon  
30 a final determination by the Court of this question in favor  
31 of the defendant, such slot machine shall be immediately  
32 returned to the defendant. Such order of forfeiture and  
33 disposition shall, for the purposes of appeal, be a final  
34 order and judgment in a civil proceeding.

1 (d) If a seizure pursuant to subparagraph (b) of this  
2 Section is not followed by a charge pursuant to subparagraph  
3 (c) of this Section, or if the prosecution of such charge is  
4 permanently terminated or indefinitely discontinued without  
5 any judgment of conviction or acquittal (1) the State's  
6 Attorney shall commence an in rem proceeding for the  
7 forfeiture and destruction of a gambling device, or for the  
8 forfeiture and deposit in the general fund of the county of  
9 any seized money or other things of value, or both, in the  
10 circuit court and (2) any person having any property interest  
11 in such seized gambling device, money or other thing of value  
12 may commence separate civil proceedings in the manner  
13 provided by law.

14 (e) Any gambling device displayed for sale to a  
15 riverboat gambling operation or used to train occupational  
16 licensees of a riverboat gambling operation as authorized  
17 under the Riverboat Gambling Act is exempt from seizure under  
18 this Section.

19 (f) Any gambling equipment, devices and supplies  
20 provided by a licensed supplier in accordance with the  
21 Riverboat Gambling Act which are removed from a the riverboat  
22 or electronic gaming facility for repair are exempt from  
23 seizure under this Section.

24 (Source: P.A. 87-826.)

25 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)  
26 Sec. 28-7. Gambling contracts void.

27 (a) All promises, notes, bills, bonds, covenants,  
28 contracts, agreements, judgments, mortgages, or other  
29 securities or conveyances made, given, granted, drawn, or  
30 entered into, or executed by any person whatsoever, where the  
31 whole or any part of the consideration thereof is for any  
32 money or thing of value, won or obtained in violation of any  
33 Section of this Article are null and void.

1 (b) Any obligation void under this Section may be set  
2 aside and vacated by any court of competent jurisdiction,  
3 upon a complaint filed for that purpose, by the person so  
4 granting, giving, entering into, or executing the same, or by  
5 his executors or administrators, or by any creditor, heir,  
6 legatee, purchaser or other person interested therein; or if  
7 a judgment, the same may be set aside on motion of any person  
8 stated above, on due notice thereof given.

9 (c) No assignment of any obligation void under this  
10 Section may in any manner affect the defense of the person  
11 giving, granting, drawing, entering into or executing such  
12 obligation, or the remedies of any person interested therein.

13 (d) This Section shall not prevent a licensed owner of a  
14 riverboat gambling operation or an electronic gaming licensee  
15 under the Riverboat Gambling Act and the Illinois Horse  
16 Racing Act of 1975 from instituting a cause of action to  
17 collect any amount due and owing under an extension of credit  
18 to a riverboat gambling patron as authorized under Section  
19 11.1 of the Riverboat Gambling Act.

20 (Source: P.A. 87-826.)

21 (230 ILCS 5/54 rep.)

22 Section 95. The Illinois Horse Racing Act is amended by  
23 repealing Section 54.

24 Section 100. "An Act in relation to gambling, amending  
25 named Acts", approved June 25, 1999, Public Act 91-40, is  
26 amended by changing Section 30 as follows:

27 (P.A. 91-40, Sec. 30)

28 Sec. 30. Severability. If any provision of this Act  
29 (Public Act 91-40) or the application thereof to any person  
30 or circumstance is held invalid, that invalidity does not  
31 affect the other provisions or applications of the Act which

1 can be given effect without the invalid application or  
2 provision, and to this end the provisions of this Act are  
3 severable. This severability applies without regard to  
4 whether the action challenging the validity was brought  
5 before the effective date of this amendatory Act of the 93rd  
6 General Assembly.

7 ~~Inseverability.---The-provisions-of-this-Act-are-mutually~~  
8 ~~dependent-and-inseverable.---If-any-provision-is-held--invalid~~  
9 ~~ether-than-as-applied-to-a-particular-person-or-circumstance,~~  
10 ~~then-this-entire-Act-is-invalid.~~

11 (Source: P.A. 91-40, eff. 6-25-99.)

12 Section 105. The State Finance Act is amended by adding  
13 Sections 5.595 and 5.596 as follows:

14 (30 ILCS 105/5.595 new)

15 Sec. 5.595. The Intercity Development Fund.

16 (30 ILCS 105/5.596 new)

17 Sec. 5.596. The Local Government Riverboat Gaming  
18 Distributive Fund.

19 Section 999. Effective date. This Act takes effect upon  
20 becoming law."